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THE NATION

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THE VACUOUS PRESIDENCY

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The Last Days of Franco

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LETTERS

the way it is

Los Angeles, Calif.

The officials of New York City, asking federal assistance during the city's current crisis, are meeting stiff opposition from President Ford because they are going about it in the wrong way. They could easily solve their problems by changing the city's name to Spain, U.S.A. or South Korea, U.S.A. or Turkey, U.S.A. To make this change credible, they could shoot some dissidents, throw several thousand others in jail, announce that all federal installations within the city would be closed and that Central Park would be cultivated with opium poppies.

Such actions would immediately qualify New York City to be designated a "most valued and trusted ally" by Secretary Kissinger and the foreign aid machinery would be set in action. . . . Federal funds would start flowing freely in yet another triumph of our foreign policy.

Carolyn Strauss

the lay balance

Mooresville, Ind.

"Lay Judges: The Illiterate Bench" by Bryan Woolley [*The Nation*, Oct. 4], tells the facts—many lay courts, like many higher courts, are terrible. Reform is needed, but not the elimination that Woolley suggests.

Good justice of the peace courts can and do exist, serving defendants, plaintiffs, police and the community. . . . For years a justice of the peace in this small town ran his court efficiently and with high legal standards. He informed defendants of their rights, called juries when needed and held court evenings, Saturdays, and at odd hours on short notice to the benefit of all concerned. He was intelligent, educated and civic-minded. On taking the job, he carefully read up on and studied his legal responsibilities, authority and limits. . . .

Justice of the Peace Harad ran a business of his own successfully and was a higher type of person than we could expect had we been forced to seek an attorney to do a similar job at justice of the peace pay ($3,000 annual limit), and be available at most reasonable and some unreasonable hours. . . . There is a place for good lay courts of limited authority just as there is a place for nurses, medical assistants and first-aid people to apply Band-Aids and take temperatures without calling a surgeon. . . . Reform, not elimination, is the answer for courts at any level. Lay influence is needed in any profession to loosen the grasp of long-established custom, accepted without analysis, and to balance the public interest against the narrower job interests of the professionals.

Robert Adams

reopening the debate

Washington, D.C.

It seems to me that Lee Webb and Derek Shearer ["How to Plan in a Mixed Economy," *The Nation*, Oct. 11], dismissed a little rapidly and easily the Leonard Woodcock, et al. proposals on democratic national economic planning, with the remark that "If an office of national economic planning were established, there is obviously no guarantee as to how the data and plans would actually be used. . . .If we ask the classic question of politics—who will benefit from these proposals?—it seems clear that the answer is the large corporations."

Speaking to an international gathering of metalworkers in Japan, Woodcock emphasized that "we are agreed that we shall *not furnish an instrument to enhance corporate powers.* Government must not further the private concentration of wealth." The need to coordinate the various Congressional proposals for full employment, equitable distribution of income, etc., is also emphasized in that speech and others. . . .

The whole debate of democratic economic planning has just been reopened after a hiatus of many years by the Initiative Committee. What is needed are sharp definitions of what constitutes the democratic aspects of planning and then an aggressive campaign to make it come true.

Collin Gonze
Assistant Director, UAW

EDITORIALS

Media Secret

The federal government is not the only American institution with the power to hide information from public knowledge. The news media can keep secrets nearly as well. Whether by design, negligence, stupidity or oversight, major news can be largely suppressed—as it was last month, when the Senate came surprisingly close to approving a measure designed to break up the major oil and natural gas combines.

The legislation, sponsored by Senators Philip and Gary Hart, Bayh, Abourezk, McGovern, Kennedy and others, would have required an end to vertical monopoly—that is, control over production, transportation, refining and marketing—by any of the major energy combines. Until last month legislation to that end had never reached the Senate floor, but with the prestige of the energy conglomerates at what seems to be an all-time low, with consumers growling at Big Oil's massive theft of their inflated dollars, the legislation not only reached the Senate floor but received an unexpected forty-five votes of support.

Though a bill that would have radically altered the energy business in America came within nine votes of Senate passage, the debate and vote on it was, as *Newsweek* put it, "a barely noticed action." Whether because they were busy with events elsewhere or because they occasionally show a distorted sense of news, most of the nation's media ignored or down-played the Senate floor divestiture battle. Most Americans had no way of learning that a near majority of Senators almost accomplished what years of dogged struggle, led by Philip Hart, had previously failed to attain.

With Senate victory almost in sight, the pro-divestiture coalition is continuing to press for an end to vertical monopoly in the energy field. A modified measure, which would require oil producers to divest themselves of other industry activities but, unlike the original proposal, would allow continuation of pipeline ownership by refiner-marketers, was scheduled for vote last week. Whatever the Senate decides on that proposal—or on an expected, perhaps more significant Kennedy-Hollings bill to force an end to oil company control of other fuel sources, such as coal and uranium, the media will fail those who rely on them if the divestiture story is not given the prominence it deserves.

Better Late Than . . .

At long last victims of the cold-war witch hunt are beginning to emerge in a new and favorable light. The excellent recent dramatization of the John Henry Faulk story (*Fear on Trial*) on CBS is a case in point. It won't help John Henry much but he probably derives some satisfaction from the fact that CBS, which yielded to stupid pressures to force him off the air, now admits, at least by indirection, that it did him a serious injustice. In Los Angeles, Eric Bentley's dramatization of some HUAC hearings (*Are You Now or Have You Ever Been*), expertly directed by William Devane who acted Faulk's role in the

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CBS production, has been playing to packed houses and recently opened in Washington, D.C., where logically it should have made its première.

In Hollywood, studios are suddenly besieged with scripts about the blacklist. Albert Maltz, one of the Hollywood Ten, has written one called *Witch Hunt* which it is reported NBC will produce soon. Columbia is currently shooting a blacklist film, *The Front*, written by Walter Bernstein and directed by Martin Ritt, both of whom were blacklisted in the 1950s. Howard Suber of UCLA has a screenplay, *The Last American Patriot*, based on the life of Sen. Joseph McCarthy, scheduled for early production. Paramount will produce *Hearing* for ABC, a two-hour special on the life of McCarthy, and still another McCarthy TV special is in the works: *The Rise and Fall of a United States Senator*.

At the same time, two books, *The China Hands* by E.J. Kahn, Jr. and *The Witness and I* by O. Edmund Clubb, tell the story of U.S. foreign service officers who were clipped by the China Lobby and the Congressional inquisitors. And belatedly President Ford has given the National Medal of Science to Dr. Linus Pauling after Nixon twice refused to award it to him. Pauling, it will be remembered, received the Nobel Prize in chemistry (1954) and the Nobel Peace Prize (1962) but had had his passport lifted by the State Department in 1952 and was denounced as a radical and Communist sympathizer by McCarthy, Philbrick, Budenz and William Buckley. A dangerous man, Pauling. He opposed the Kennedy man-on-the-moon program: "For the same money we could answer 1,000 interesting and important questions of the human body for every one question answered by going to the moon."

Why this new belated interest in the victims of the witch hunt? Must thirty years elapse before, as a people, we are ready to admit a grievous mistake and acquire the necessary courage to applaud actions that we once denounced as treasonable? The subject was discussed recently in North Hollywood by a group of Hollywood blacklist victims, at a meeting sponsored by the New American Movement Media Group. Doubtless an element of *mea culpa* is involved, as in the case of CBS. Most of the participants thought that Watergate had been a factor in lifting the taboo on the subject. Some said that it was easier to turn to the outrages of the past than to look at those of the present. And there may be something in the suggestion that the early blacklist period occupies "a sort of mid-history": not old enough for nostalgia but not quite contemporary either. The turnabout in attitude does not date, as some have suggested, from 1960 when Dalton Trumbo, a blacklisted writer, managed to return to grace; it is really a post-Watergate phenomenon. Will Geer, one of the participants in the North Hollywood seminar, offered a sensible suggestion: "Let's stop calling the days of the House Un-American Activities Committee the days of the McCarthy era. It's the Nixon era that we've been living through."

But have we, at last, outgrown an historical tendency to engage in witch hunts, of one kind or another, at fairly regular intervals, or does the present upsurge of interest in the subject reflect a form of entertainment opportunism of the moment, in which there could be an element of over-kill? After all, redbaiting is as American as apple pie, so despite these commendable attempts to correct the record,

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the nagging thought persists that we have not put it behind us any more than that we have heard the last of Nixon or purged ourselves of the last vestiges of "his" era.

Kissinger on Nixon

In what he thought was a private dinner-table conversation in Ottawa, Henry Kissinger made some remarks about Nixon that were inadvertently transmitted to the lounge of the Canadian National Press Club. Nixon, he said, was an "unpleasant, very artificial" man who "dislikes people" and always hated to meet "new people." Why, then, asks Kissinger, did this unpleasant plastic man decide to become a politician and how did he succeed to the extent that he did?

Kissinger should know the answer. Right-wing demagogues dislike people; they basically despise the electorate. If they did not dislike people, they would not exhibit, as they often do, diabolic skill in exploiting popular fears and misconceptions. To have a talent for right-wing demagoguery, a politician needs to believe that people are stupid, craven, corruptible and easily misled. Nixon was drawn to politics because he held people in contempt and was quite sure that he knew how to manipulate their fears. If he had liked people he would have taken a different tack. Nixon entered politics as the cold war was getting underway and he departed, in disgrace, as it was being superseded by something called "cold peace." Cold-war hysterics made it possible to ignore real issues, to spurn serious and thoughtful debate, to concentrate on demagoguery combined with "dirty tricks." In the early years of the domestic witch hunt, right-wing demagogues enjoyed a romp simply because so many "responsible" voters and institutions (notably the press) were afraid to challenge them. Scores of candidates, every bit as demagogic and no more pleasant or less plastic than Nixon, clambered aboard the big "anti-Communist" express and rode it to power. None of them—Dies, Thomas, Jenner, Velde, McCarran or McCarthy—liked people any better than did Nixon. Joe McCarthy was even more unpleasant than Nixon, but managed, for quite a time, to be the terror of the hustings. Nixon went further politically than the others because he was more intelligent and, at the same time, somewhat more cautious. He was also favored by the fact that professional political public relations—what today we call "image making"—had its origins in California about when he entered politics.

Relevant to Kissinger's question about Nixon are some comments by Karl Hess (*The Washington Post*). Hess was Sen. Barry Goldwater's chief speech writer in 1964 and the quote which follows is from his new book, *Dear America*:

> . . . the right will never successfully develop a way of talking to and with people about earthy matters. Its own ideologues are not with the people generally; they are simply job holders looking for bigger houses, better cars, and a secure retirement. If there are exceptions that I overlooked, I apologize. I simply can't think of any. . . .
>
> There are, of course, prima donnas on the left and, from time to time there emerge the entertainers of the left who rise up as great monsters threatening the peace of the countryside and giving the audience luscious thrills and chills, or scrawling political obscenities on the walls like wild kids trying to shock the old folks. They come and they go and everyone knows who they are and what they are.
>
> But the left persists. With people who have worked all their lives for union democracy and will never stop. With people who have worked all their lives against war and will never stop. With people who worked all their lives to bring the poor from the impoverishing programs of the welfarists into the world of real self-reliance and who will never stop. With the people who have fought entrenched privilege all their lives and will never stop.
>
> And to this I will swear: I do not personally know an active, persistent person on the left who is in for the money, the glory or the personal power. On the right I know scarcely anyone who was not.

Kissinger may not agree with these sentiments but he can hardly question Hess's credentials to comment on the motivations of right-wing politicians.

The California Example

While Congress moves toward prudent government involvement in Outer Continental Shelf oil and gas exploration and development, as Sen. Ernest F. Hollings (D., S.C.) reports elsewhere in this issue, a California agency has already shown how the states themselves can insure that offshore drilling proceeds without chaotically affecting the environment.

California's Coastal Zone Conservation Commission has almost total control over development along the state's 1,000-mile coast, from the 3-mile limit to 1,000 yards inland. While the federal government has jurisdiction over resources farther out to sea, oil and gas recovered in federal waters must pass through the state zone, and processing and other shoreline support activities fall within the state's control. So the commission can have significant influence on the way federal waters are exploited, and the way the state's coastline is transformed as offshore drilling accelerates.

By state law, passed in August, construction of pipelines from federal waters through state zones has been temporarily banned—and won't be permitted until 1978, or until the state adopts a long-term, coastal development plan the commission has been preparing. And just last month, the commission served notice that it would not permit chaotic development of resources under state control; it turned down an ARCO request to add seventeen new wells to a platform where thirteen are already operating because the application was "incomplete." A commission study had indicated the new wells would require additional onshore facilities. As a result, ARCO was told its application would be unacceptable until it included the support facilities in its request. "A piecemeal approach to energy production," the commission said, "is not consistent with coastal act requirements for orderly, balanced use of coastal resources and not consistent with sound conservation principles."

Such caution can hardly be called obstructionist. As Gladwin Hill has noted in *The New York Times*, the ARCO decision marked the first time the three-year-old commission has blocked offshore drilling in state waters. Some 1,600 wells are operating from nine platforms in the state zone of the Santa Barbara channel, right next to the federal area where the massive oil well blowout occurred in 1969. If the temporary pipeline ban and ARCO decision (and, just as important, the research that led to it) are any

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indication, it seems that Gov. Jerry Brown's administration is determined to protect California's coast from reckless exploitation. Whatever happens in Washington, states concerned about planned, conservation-minded development of their coastline resources would do well to follow California's example.

THE GRAY ZONES OF LIFE

ROBERT E. HALL, M.D.

In 1963 worldwide attention was focused on an Arizona housewife named Sherri Finkbine because she had the temerity to ask for an abortion after having ingested thalidomide during the early months of her pregnancy. Her request was denied on the ground that our state laws did not permit the removal of a fetus merely because it would probably be born without arms and legs. So Mrs. Finkbine fled to Sweden for her abortion, and the shame felt in this country at having refused to perform such a simple, humanitarian act was responsible, more than any other single impetus, for the abortion reform movement which led, ten years later, to the U.S. Supreme Court's decision that all of our state abortion laws were unconstitutional.

Today the world's attention is focused on a 21-year-old New Jersey woman named Karen Anne Quinlan because she has lain for five months in an irreversible coma and her parents have had the temerity to ask for legal permission to let her die. The two cases—Sherri Finkbine's and Karen Anne Quinlan's (or, more precisely, Karen Anne's parents')—are similar in several fundamental respects. And I would predict similar outcomes for them both. It is most unlikely that the Quinlans will be allowed to shorten their daughter's life because the law makes no provision for this sort of act; the public will be aroused again by this same old juridical inflexibility and ultimately the Supreme Court will be called upon to temper legislation with compassion.

The similarity between the two cases starts with a misconception of the basic issues. The abortion debate invariably devolved upon whether the fetus is a human being—with one side claiming it to be no more a being than the vermiform appendix, and the other claiming it to be so completely human that its destruction is murder. As usual with extreme positions, both sides were wrong. Common sense dictates that the fetus is a *potential* human being, no more and no less, incapable of independent survival, and unable to contribute to society in its present state. The true issue, finally faced by the highest Court, was the right of a pregnant woman to override that of her inchoate conceptus.

In the Quinlan case the judge will be asked to rule on a question ostensibly as profound but basically as tangential as whether a fetus is a human being. He will be asked to decide whether Karen Anne is technically alive or dead. Yet, notwithstanding all the erudite scientific testimony that will surely be produced in that courtroom, is there not a common-sense answer here that is just as obvious as the definition of a fetus? *Of course* Karen Anne Quinlan is alive—but with serious qualifications. She, too, is incapable of independent survival and unable to contribute to society in her present state. Here the real issue is the rights of sentient, functioning individuals versus the rights of those who have been rendered permanently incapable of rational thought and purposeful action.

Opponents of abortion and euthanasia are right to point out the danger of broadening the meaning of these terms sufficiently to permit abuse. Although deeply involved for more than a decade in the fight for abortion law reform, I believe that the Supreme Court erred in permitting abortion throughout the nine months of pregnancy, for after the twentieth week the fetus *is* viable—potentially capable of sustaining independent life. Similarly, I would not want to see euthanasia too broadly defined. But in cases such as the Quinlans' it is, in my opinion, clearly justifiable.

Coincidentally, my 83-year-old aunt has lain in a hospital bed in Pittsburgh for the past nine months, the victim of a stroke, partially paralyzed, unable to speak, incontinent of urine and feces and sustained by nasogastric feedings. Despite my love for her—or perhaps because of it—I wish she would die. I wish they would *allow* her to die. But they won't. Not with the laws as they are.

As a physician myself and with a relative in this condition, I am all too familiar with the horrendous expense of these futile medical exercises. Absurd as it would ordinarily be to question the cost of prolonging a human life, in these particular circumstances it cannot be ignored. Five hundred dollars a day is not an unusual fee for the intensive care required. My aunt can afford this; most people cannot. The cost of raising an unwanted child was never openly weighed against the cost of having an abortion, for it seemed too remote an expense and too crass a concern, but it was always a minor unvoiced consideration. Also unvoiced are the ugly though undeniable financial considerations of some of those who oppose abortion and euthanasia—obstetricians, for example, who profit more from delivering a baby than from performing an abortion and internists who profit more from attending a moribund patient than from "pulling the plug."

Ironically, it is progress in the field of medicine that has created these great metaphysical dilemmas. Without improved methods of performing abortions the demand for reform would never have risen or been acceded to. And without the newly found means of perpetuating life Karen Anne and my aunt would have died months ago. For these new problems, then, we need new solutions. Change begets change.

At the beginning of all life and at the end of some there is an intermediate phase, a gray zone. To perceive these phases only in terms of animation and inanimation or life and death is to deny their special quality, their difference from the ordinary human condition. It is proper, I suppose, that society first recognized, defined and dealt with the phasing-in of life. We are now being forced to recognize, define and deal with the special state that sometimes characterizes our phasing-out.

Dr. Hall is associate professor of obstetrics, Columbia Medical School.

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THE VACUOUS PRESIDENCY

JAMES WIEGHART

Washington

Candidate Gerald Ford's biggest handicap going into the 1976 Presidential campaign is the lackluster record of President Gerald Ford. More than fourteen months after moving into the Oval Office—following Nixon's resignation, with honor—Ford has yet to distinguish his Presidency. It is, in fact, impossible to recall offhand a single quotable quote, notable accomplishment or magnanimous act.

This vacuous Presidency, bereft of any sign of inspirational leadership in either foreign or domestic policy, is the real source of the difficulty Ford faces from within the Republican Party, rather than any grass-roots groundswell of support for the only potential challenger who has emerged thus far, the former actor and ex-California Governor, Ronald Reagan.

With the ideological Center in the GOP moving steadily to the right as the party continues to shrink down almost to its hard core, a Reagan boom would be understandable if Ford were following a liberal or even middle-of-the-road course. But the long-time Congressman from Grand Rapids has been the most conservative President since Coolidge, and ideology must be ruled out as the main source of his difficulty.

Yet the President and the men around him continue to act as if ideological perception, not performance in office, were the primary obstacle between Ford and the Presidential nomination in Kansas City next summer. Why else has he been frantically crisscrossing the country on political barnstorming tours for the past several months, making speeches right out of the Wallace-Nixon campaign books, instead of staying in Washington and trying to build a record of accomplishment?

While Reagan is usually referred to as the "darling of the Right," the former show-biz front man for General Electric would have a hard time finding any running room to the right of Ford. For instance, in his typical partisan speeches to Republican audiences, Ford depicts the Democratic majority in Congress as free-spending proponents of a big-brother federal government that would stifle the free enterprise system, submerge state and local government, make dangerous cutbacks in national defense spending, and bleed the working taxpayer white to make life easy for shiftless welfare loafers too lazy to support themselves.

In attacking "big-brother government" during his nonstop political travels—thus far covering more than 85,000 miles in forty-two states—Ford borrows freely from both Wallace, blasting "bureaucrats, politicians and theorists," and Nixon, warning "it is my fervent conviction that a government big enough to give you everything you want is a government powerful enough to take from you everything you have."

And Ford, also like Nixon and Wallace, uses the explosive school bussing issue at every opportunity, even resorting to the Nixonian devices of misstating history and misrepresenting the position of unnamed opponents. In Dallas last month, he approached the bussing issue from this direction:

> We have tried hard, we have written laws, we have appropriated money to accomplish quality education for the young in America. In 1954, the courts of this country decided that one way in their estimation to achieve that was court-ordered forced bussing. Now, regardless of how we individually may feel, the law of the land must be upheld. But if I could give you a view that I have expressed, not just recently, but for ten or more years, there is a better way to achieve quality education in America than by forced bussing. We can and we will find a better way.

Ford has continued to refer to the 1954 *Brown* v. *Board of Education* decision in his bussing harangues, despite the fact that the decision did not deal with bussing (or "quality education") but outlawed "separate but equal" segregation laws. And as he well knows, the court-ordered bussing decisions that followed almost twenty years later were aimed at carrying out that ruling, not to provide "quality education" but to foster integration.

During these months of seemingly unending travel, both at home and abroad, there has been a sense of drift in Washington as the bureaucracy, which Ford publicly deplores, tries to carry on without Presidential leadership or without any real sense of policy direction, foreign or domestic. Aside from giving Secretary Kissinger free rein to pursue his step-by-step peace efforts in the Middle East and détente diplomacy with the Soviet Union, Ford has given no real clues as to what ideas, if any, he has on foreign policy other than more of the same. The Ford administration has downplayed the Helsinki Agreement, the groundwork for which was laid in the Nixon years, because of pressure from GOP right-wingers, and has tried to claim too much credit for the Vladivostok SALT II Agreement, which was also a Nixon initiative and which has yet to be completely worked out almost a year after it was initialed by Ford and Brezhnev.

The administration made some abortive attempts to trumpet into historic proportions the one clear Ford foreign policy venture—the recapture last spring of the *Mayagüez* and her forty-man crew from the Cambodian Communists. Despite the chest-thumping and yahooing, it seemed like a senseless overreaction then and nothing has happened since to change that evaluation.

On the domestic front, particularly on the two key issues of economy and energy, Ford's record displays more the imprint of his years as a highly partisan House Minority

James Wieghart, a New York Daily News *columnist based in Washington, has been traveling with the President.*

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Leader than his months in the Presidency. On the economy, he began last October with the WIN program, calling for tax increases to fight inflation when the nation was already sliding into the worst downturn since the Great Depression. In January, he proposed tax cuts for the rich—a proposal the Democrats largely ignored while writing a sweeping $22.8 billion anti-recessionary tax reduction. Ford signed it under protest, but now claims credit for the modest economic recovery it provided. His latest venture—the $28 billion tax-cut-spending-reduction package—was basically a political ploy to steal the thunder from the $12 billion to $20 billion tax cut the Democrats are expected to push through.

Instead of exhibiting real Presidential leadership on energy, Ford has succumbed to the old Congressional habit of political posturing. The much-heralded comprehensive energy plan he shipped up to Capitol Hill early this year—which would have curbed consumption by jacking up prices, thus feeding inflation and deepening the recession—was obviously doomed from the start, since it had no significant support from either the Democratic majority or the Republican minority. Knowing this, Ford then settled back and challenged the Congress either to pass it or come up with a plan of its own. In those few energy areas where Congress has managed to act decisively, like the extension of price controls on domestic oil in production before 1973, Ford has vetoed their action.

The one bold energy proposal put forward by the administration—a $100 billion federal loan-guarantee program to finance private research and development of alternative energy sources—was actually Vice President Rockefeller's plan. Because of that and because it was pushed through over the objections of Treasury Secretary Simon and Chairman Greenspan of the President's Council of Economic Advisers, it is doubtful that Ford will lobby hard for it. Since the $100 billion plan got a hostile reception from both conservatives and liberals in Congress, it will need all-out White House support to have any chance.

Perhaps the best example of Ford's penchant for using a volatile issue politically, like a Congressman, instead of dealing with it as President, is the current debacle over federal intervention in the New York fiscal crisis. It is true that Ford's initial reaction, as a conservative, was to turn down the first requests from Mayor Beame for federal assistance earlier this year. This was also the initial reaction of his top advisers, including Rockefeller, Simon, Greenspan and L. William Seidman, the Special Assistant to the President for Economic Affairs who, like Ford, hails from Grand Rapids.

But as the crisis deepened and Governor Carey got the state of New York involved, it became increasingly clear that a New York default would have serious national economic ramifications. This prompted significant changes in the positions of Rockefeller and Simon. However, Ford had meanwhile discovered on his travels to the hinterlands that there was considerable opposition to a New York "bailout," so his position against federal intervention not only hardened but his rhetoric heated up, and he began bad-mouthing the city and its officials at whistle stops from Belgrade to Omaha.

Thus, with even Chairman Burns of the Federal Reserve Board publicly warning that a New York default would have damaging ripple effects, and with Rockefeller calling openly, and Simon privately, for Congressional legislation to help the city, Ford is still out in right field scoring political points by repeating his opposition to a federal bailout and lecturing Beame and Carey to tighten their belts.

This lack of Presidential leadership is precisely the cause of Ford's current political problems. The harder he campaigns to head off a Reagan challenge, the stronger Reagan becomes. Ford has apparently forgotten the discovery that Roosevelt made in 1940 and 1944, that Lyndon Johnson followed in 1964 and that Nixon followed again in 1972—when you are President, act like a President, perform your Presidential duties and the campaign will take care of itself. □

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Drugging for Deportment

FARNUM GRAY

Between 500,000 and 2 million schoolchildren in the United States are given daily doses of Ritalin or amphetamines to make their classroom behavior acceptable. You might assume that the prescription of potentially dangerous drugs on such a large scale must be backed by evidence that they improve academic performance. Your assumption, however, would be wrong. Experiments with two groups of children who have been tagged "hyperactive" make it plain that drugging them is an irresponsible hoax.

Researchers have attempted to learn whether drugs make hyperactive children less boisterous and otherwise troublesome, and the more favorable studies have found that methylphenidate (sold under the name Ritalin) and the amphetamines do, indeed, dramatically reduce hyperactivity. Astonishingly, however, no data have been produced to indicate that children learn better when under the influence of these drugs.

Experiments by Ayllon, Layman and Kandel (see box)

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This article is based on research done by Teodoro Ayllon, professor of psychology and special education at Georgia State University; Dale Layman, professor of special education at the University of Illinois (Chicago Circle), and Henry Kandel, a graduate student at Georgia State. Dr. Ayllon is co-author of *The Token Economy* (Appleton-Century-Crofts) and author of numerous articles in professional journals.

went several steps further. First, they found that their subjects—children who had been on Ritalin for one to four years—exploded into disruptive activity when the drug was discontinued. That supports the claim that Ritalin controls hyperactivity, at least with some children. However, when they were free of the drug the children performed slightly better in reading and mathematics. In slowing the children's activity, the drug had also slowed their minds.

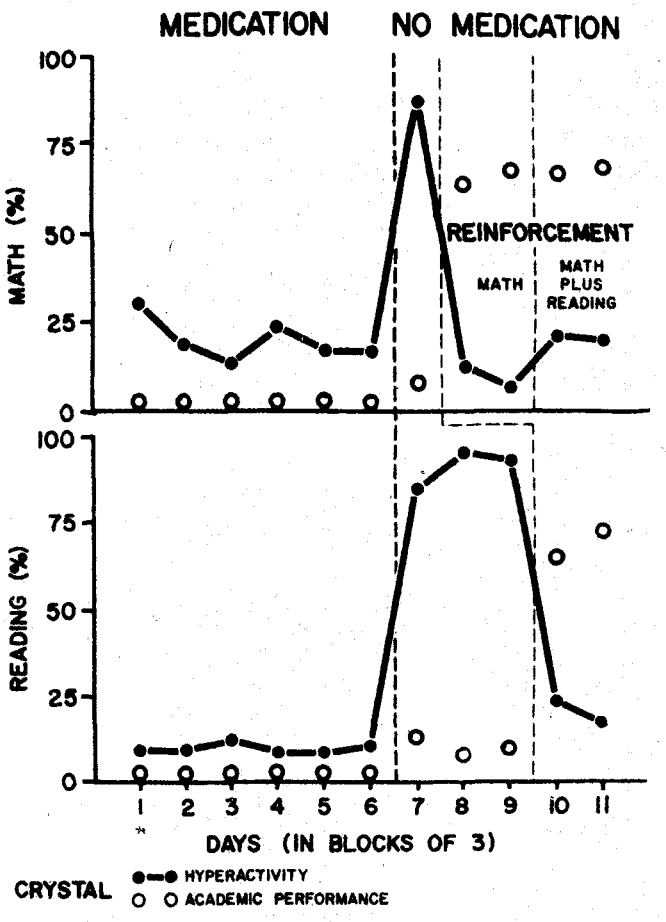
Still more revealing was the next step. A behavioral program was set up to provide the children with consistent rewards for progress in math and reading. In that situation, their performance on tests in the two areas leaped from an average of 12 per cent correct answers to an average of 85 per cent. And this improvement occurred without the drug prescribed ostensibly to improve their academic performance. Furthermore, under the behavioral program and without the drug, the measure of their hyperactivity was slightly lower than it had been while they were taking the drug but learning almost nothing.

Note that the children were not rewarded for being still and silent. The rewards were given only for academic performance. Thus it would appear that hyperactive behavior—sometimes called hyperkinesis or minimal brain dysfunction—was "cured" by involvement in academic learning. The problem for which the children previously had been drugged was solved without drugging when the school became effective in teaching them reading and math, which is something schools are supposed to do.

Research in applied behavior analysis had already demonstrated that classroom behavior problems could be reduced or eliminated by rewarding students for not disrupting. Because of the emphasis, critics charged that behavior modification was used, not to stimulate learning but to buttress the *status quo.*

However, a more recent experiment by Ayllon and Michael D. Roberts with a class of thirty-eight fifth graders in Atlanta, Ga. almost eliminated disruptive behavior by systematically rewarding students for developing academic skills, although no attempt was made to deal directly with the disruptive behavior. This reversed the usual priorities of behavior modifiers, and indicated that reducing disruption may not increase academic achievement. Further, behavior considered disruptive by some teachers—such as talking with other students or moving about the classroom—would be approved in an "open classroom." Still, the assumption is prevalent that if children sit quietly in class they will learn. The myth dies hard.

By reinforcing only the development of reading and math, skills that most people would agree are important, Ayllon, et al., avoided some of the most common criticisms made of behavior modifiers. The experiments were



conducted with three children in Atlanta and three in Chicago, all of whom had long been on medication. Since the results were very similar, only the Chicago experiment is described here.

The three children selected were the most chronically hyperactive in a learning disability class of ten children. All were taking Ritalin. Crystal, 8, had an I.Q. of 118 and had been taking 20 mg. a day for three years. Paul, 9, with an I.Q. of 94, had been taking 10 mg. daily for one year. Dudley, 10, with an I.Q. of 103, had taken 15 mg. a day for four years. His school had made him a consistent drug user at the age of 6. The study was made up of four phases:

Phase 1: On Drugs. Two observers noted the behavior of each child every 2.5 minutes for seventeen school days while the usual Ritalin dosages were continued. These observations evaluated the degree of hyperactivity, with the two observers more than 90 per cent in agreement. Math and reading skills also were measured during this time.

Phase 2: Off Drugs. The children were given a three-day "wash-out" period to clear the drug from their systems. (Ritalin clears out in twenty-four hours.) Then, for three days, the children were tested and observed to establish norms against which the effects of the rewards system on hyperactivity and academic performance could later be compared. When they were off the drug, their academic performance improved slightly and their hyperactivity measurements doubled or tripled. The now-harried teacher and parents made such comments as: "He's just like a whirlwind." "She's climbing the walls. It's awful."

Phase 3: No Drugs; Reinforcement of Math. During these six days, a reinforcement system was used for math

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student for misbehaving. That ruling—which now has the force of a Supreme Court assent—said a student must be warned before being spanked and that only a "reasonable" level of corporal punishment was permissible. The Court did not define "reasonable." The lower court affirmed the right of a teacher to spank even against the wishes of a parent. In jurisdictions where corporal punishment is restricted or outlawed the existing laws stand.

The Court's decision, foes of corporal punishment feel, will make it harder to get anti-paddling legislation passed elsewhere. Presumably the Supreme Court agrees with educators who hold with Menander, "The man who has never been flogged has never been taught." The fact that those words were written more than 300 years before the birth of Christ doesn't seem to render them obsolete to pro-paddling educators.

One school official said he knew paddling worked because some of his victims "have in later years thanked me for straightening them out." And H.S. Griffin, Dallas deputy superintendent, advised teachers that "corporal punishment is not good at all unless it is administered with skill and in a spirit of friendliness and helpfulness to a child."

But paddling's opponents—and they include the NEA, ACLU and the American Psychological Association—believe the most friendly, helpful and educational thing that can be done about scholastic corporal punishment is to make it ancient history. □

OFFSHORE DRILLING

Congress & the People's Property

SEN. ERNEST F. HOLLINGS

Washington

The recent Senate passage of legislation dealing with Outer Continental Shelf (OCS) oil and gas resources is one indication that Congress is moving forward responsibly and effectively to address the energy problem—notwithstanding White House campaign rhetoric to the contrary. Since I last discussed the OCS issue in these pages (January 18), the Senate has acted favorably—and by wide margins—on two bills concerned with OCS development and its social, environmental and economic impacts in coastal areas. The House is currently marking up companion bills, with good prospects for passage in this session.

The executive branch, meanwhile, limps along with an OCS leasing program that is a shadow of earlier plans for a dramatic but overhasty entry into "frontier" areas of the Atlantic, the Pacific and the Gulf of Alaska. Outworn policies remain in effect in the long-leaderless Interior Department, and changes initiated by Congress are resisted by the administration.

In October 1974 a member of Interior's OCS advisory board "leaked" a leasing schedule that involved offering 19 million acres of OCS lands in 1975, with hopes for actually leasing at least 10 million. A few months earlier, the U.S. Geological Survey (USGS) had estimated that between 80 billion and 150 billion barrels of oil and between 500 trillion and 900 trillion cubic feet of gas lay in wait for exploration and production on the U.S. Continental Shelves. In May of this year, by contrast, the USGS revised its estimates downward drastically, to between 11 billion and 46 billion barrels of oil and between 34 trillion and 188 trillion cubic feet of natural gas. For the first time, USGS included statistical probability factors in its estimates, and reported only a 10 per cent chance of reaching the high end of the estimated range for oil. In fact, it found a fifty-fifty chance that no more than 25 billion barrels could be recovered from the entire OCS. These lower numbers coincided with an administration retreat from the 10-million-acre leasing goal to a more modest 5 million in 1975 (which is also unlikely to be achieved).

Earlier, when 10 million was still the magic number, some of us in the Congress and elsewhere had expressed serious reservations about whether the oil companies, the Interior Department, or even the capital market could absorb a crash leasing program, and whether the haste with which the White House sought to move, motivated by a fuzzily described goal of energy independence by 1980, would result in a public rip-off and an environmental and economic catastrophe.

The Senate, in September 1974, had passed the first package of amendments to the 1953 OCS Lands Act. That bill, S.3221, was a first step toward reform of leasing and management practices on the OCS. However, the accelerated leasing schedule which emerged a month later made it clear that a small-scale reform effort would be inadequate.

The staff of the Senate's National Ocean Policy Study, which I chair, released three major reports on the OCS issue in late 1974. The new Congressional Office of Technology Assessment, along with the Congressional Research Service of the Library of Congress and the General Accounting Office (GAO), also put their staffs to work examining the OCS problem. Before long, the legislative branch was devoting as much time and talent to re-examining the basic principles of OCS resource management and development as the Department of the Interior was devoting to maintaining the procedural *status quo*.

At the beginning of this year, eighteen of my Senate colleagues joined me in sponsoring S.426, a new OCS bill containing some bold reform proposals that managed to agitate most of the oil industry and the Interior Department. The bill's most important departure from present practice is a provision directing the Secretary of the Interior to conduct exploratory drilling on the OCS by

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government contract prior to leasing, thereby separating decisions to explore from decisions to lease for development and production.

The idea was that government-contract exploration (to be accomplished by hiring the same drilling firms traditionally used by the industry) would provide enough information about the extent and location of OCS oil and gas in new areas to insure that the revenues from subsequent lease sales would be commensurate with the value of the resources. An important side benefit would be the ability to predict accurately the onshore development that would be needed to support offshore operations, so that coastal states and communities could plan for and cope with this development.

The oil companies operate abroad under a variety of government-participation requirements, yet the very thought of government-sponsored exploration at home was enough to throw the entire industry into an uproar. Cries of impending nationalization went up from industry witnesses at our Senate hearings. Again and again we were told that the public would not tolerate having its dollars thrown into the roulette wheel of oil exploration, in which seven out of eight exploratory wells turn out to be dry holes. (I found this argument specious, especially in light of the billions of federal dollars that were poured down the "dry hole" of Vietnam.) But primarily we were warned that passage of S.426 would be tantamount to sounding the death knell of the American oil industry.

"We view these proposals as being the most likely vehicles for the slow destruction of this nation's dynamic offshore industries that have been devised by the minds of men," one witness told us. He offered no explanation for the apparent good health of the American oil industry throughout the rest of the world, where government-owned oil companies have plunged much more deeply into the oil business than our bill proposed for the United States.

Acting on a joint request of the Senate Commerce and Interior Committees, the Office of Technology Assessment took a careful look at the government exploration idea during the spring of this year. OTA used four criteria to evaluate the feasibility of government exploration, which it defined as including only enough drilling to evaluate the largest and most promising geological formations in the frontier OCS areas.

On three of the four criteria, government exploration came out as clearly superior to the present system. OTA found that the S.426 proposal would result in the maximum amount of resource information available to the public for energy-policy and coastal land-use planning. The report also predicted that by allowing full governmental control of the rate of resource development, the new system would insure that the rate was appropriate to the nation's overall energy policy for the short and long terms. OTA also determined that government exploration would wipe out the uncertainty about whether the American taxpayers were receiving a fair return for their publicly owned OCS resources.

On the fourth criterion—speed and efficiency of exploration—OTA found that the present system had an edge over the governmental exploration alternative. And since the goal of rapid exploration (regardless of the ultimate rate of development) is firmly established in my mind, this problem appeared fatal to the government exploration idea as an exclusive approach to the frontier OCS. Nonetheless, I have remained convinced that government exploration has great merit in selected areas of the OCS that are now inaccessible to industry through normal leasing processes. For example, one section of the northeastern Gulf of Mexico, now ruled out for leasing because it is a military target-practice area, has been identified as a potentially rich source of oil and gas and could best be explored under government contract.

Following issuance of the OTA report, the members and staff of the Interior and Commerce Committees continued to work closely with OTA staff, searching for a modification of the original proposal that would accomplish the basic goals of improving the present system. We remained committed to finding a way to peg resource development to a fair return, to make resource information available to energy and coastal zone planners, to separate exploration decisions from the go-ahead to produce, and to open up the OCS game to small independent oil companies.

We found the seeds of an answer to some of these concepts in the record of the Senate's 1974 OCS hearings, supplied by an unexpected source: an oil company. Alone among industry witnesses and correspondents, the Phillips Petroleum Company was willing to say, in effect, "We don't really want you to change the present leasing system, but *if* you do, here's a constructive idea. . . ." Impressed both by Phillips's willingness to consider fundamental change and by the basic merit of the idea that Phillips Vice President Jack Tarner proposed, we set to work to modify and adapt the idea to our public policy goals. OTA, industry spokesmen and university economists participated in analytical sessions, culminating in a new leasing section in the OCS bill offered as a substitute for S.521, Senator Jackson's 1975 rewrite of the bill that passed the Senate in 1974.

This bill included five elements contained in my original S.426: (*1*) new options for competitive bidding and leasing; (*2*) government-contract exploration (reduced from its original exclusive coverage to a discretionary program); (*3*) separation of exploration decisions from development and production decisions; (*4*) new opportunities for states to participate in OCS leasing, development and production decisions to protect their coastlines from adverse effects of OCS activities, and (*5*) a revision of the environmental baseline studies program, transferring lead-agency responsibility for this research to the National Oceanic and Atmospheric Administration.

The Phillips idea, greatly modified and strengthened in the Senate, became the most important new bidding and leasing option; the bill directs the Secretary of the Interior to use it in frontier OCS areas on an experimental basis. It is a "partnership plan," calling for lease areas that coincide, insofar as possible, with geological structures or "traps" where oil or gas is suspected to exist. This contrasts with the present use of arbitrarily limited lease tracts covering no more than 5,760 acres. Since, at present, oil fields tend to extend over several companies' lease holdings, each company guards the information it acquires during exploration so as to avoid giving the other companies the benefit of information gained at considerable cost to the explorer. By leasing an entire trap, the need for secrecy is eliminated. But since many geological formations

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are very large—a few off New Jersey cover more than 100,000 acres—almost no oil companies and few joint ventures (even among the largest majors) could afford the capital risk required for a bonus bid on such a structure.

The "partnership plan" (so named because it is a partnership between industry and government) gets around the problem of front-end money by basing bonus bids on 1-per-cent working interest shares in the geological trap and substituting a profit-sharing system for the royalties now paid to the federal government. It works like this: each company indicates its bid for a 1-per-cent share, and indicates the total percentage of the lease it seeks to hold. The Interior Department awards the shares on the basis of the highest 1-per-cent bids, moving downward among the bidders until it has filled 100 per cent of the lease. For example, bids on a trap in the Baltimore Canyon region of the OCS might be as follows:

BIDS RECEIVED ON TRAP #1

Company	Bid per 1%	% Share Desired	Potential Total Bid
A	$100,000	20%	$2,000,000
B	70,000	100	7,000,000
C	80,000	10	800,000
D	125,000	2	250,000
E	90,000	50	4,500,000
F	60,000	100	6,000,000
		282%	

The lease would be divided up among the highest bidders until 100 per cent of the working interest shares were filled:

SUCCESSFUL LEASEHOLDERS ON TRAP #1

Company	Bid per 1%	% Share Desired	Potential Total Bid
D	$125,000	2%	$ 250,000
A	100,000	20	2,000,000
E	90,000	50	4,500,000
C	80,000	10	800,000
B	70,000	18	1,260,000
		100%	$8,810,000 (Total Price)

Thus a joint venture is formed—not by collusive bargaining among the companies before the lease sale but by the leasing process itself. Successful bidders would choose one company to be the operator—in most cases, the company with the largest share in the lease. The opportunity to participate in small increments would, however, open the OCS to many small independent companies that are now excluded by capital barriers and lack of relationships with the majors.

Bonus money paid under the partnership plan doubles as exploration money. The federal government would put the $8.8 million received in the above hypothetical sale into an escrow fund, to be returned to the companies in a dollar-for-dollar matching arrangement to cover exploratory drilling costs. This means, of course, that the federal treasury is not much enriched by simply selling OCS leases. The taxpayers' share is recovered generously, however, in the event that oil or gas is discovered. In that case, the government receives a share of the net profits derived from the lease—up to 60 per cent. If the lease contains nothing but dry holes, the treasury receives nothing. But if a large commercial find turns up, the federal interest will recoup almost two-thirds of the profits. The risk to the taxpayers is justified by the fact that the return will inevitably be *fair*—commensurate with the actual value of the resources found. The partnership plan therefore fulfills one of the primary objectives I had in mind in reforming OCS policies.

Senators Jackson, Glenn, Bumpers and I sponsored a successful amendment to S.521 which directed the Secretary of the Interior to conduct government-sponsored exploration (rather than leasing to private companies for exploration) in cases when there are compelling environmental or national security reasons for doing so, or when such a course will expedite the development of OCS resources. I was more than satisfied with this discretionary and cautious approach to government exploration.

Decisions to develop and produce OCS oil or gas have a far greater environmental and socioeconomic impact on coastal areas than decisions to lease and explore. The bill achieves a separation of decisions to explore the OCS from decisions actually to develop and produce oil or gas thereon by requiring lessees to submit for approval a "development and production plan" before going ahead with field development. The plan must contain information about the extent of the reserves, the anticipated life of the field, the location of support facilities both offshore and onshore, and the existence of any unusual environmental hazards. The public and the leaders of state and local governments affected by field development would have ample opportunity to offer their views through comments on an accompanying environmental impact statement and through public hearings. A special federal-state OCS advisory board would also give its views on whether the plan should be approved, and the Secretary of the Interior must accept the board's recommendation unless he can point to overriding national-interest considerations.

Thus the bill remedies the present lack of public access to post-lease decisions through the process of development and production plan approval.

A final point achieved in the Senate floor debate on OCS legislation was the adoption of my amendment to shift the leadership responsibility for environmental baseline studies —the detailed surveys of pre-lease ecological conditions on the OCS and the adjacent coast—from the Interior Department to the National Oceanic and Atmospheric Administration (NOAA). At present, these studies are conducted by the same division of Interior that holds and promotes lease sales. This presents a conflict of interest, since any scientific findings which suggested that leasing should not occur might be played down in order to fulfill pre-ordained leasing schedules. Furthermore, Interior's Bureau of Land Management is hardly a bastion of marine scientific expertise for the federal government. The studies conducted to date have been dismissed as bad science by much of the oceanographic community.

NOAA, on the other hand, has a large body of scientific expertise, as well as a research fleet of its own and a close relationship with university-based scientists through the Sea Grant program. NOAA is also the federal government's planning and management agency for the coastal zone, and so is uniquely equipped to consider the land-side

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implications of OCS activities.

This last consideration—the onshore effects of OCS development—was addressed not only in S.521 but also (and pre-eminently) in a bill to amend the Coastal Zone Management Act of 1972. I sponsored that legislation because it has become increasingly clear since the original Act passed in 1972 that much of the most intense developmental pressure on the fragile ecology of coastal areas comes from energy activities and facilities, of which OCS support activities are a part. The bill, S.586, passed the Senate by an even wider margin than the OCS bill, a reflection I think, of the broad consensus in the country that energy development and environmental protection must go hand in hand. No environmental backlash is evident here.

Bill S.586 provides coastal states with grants and loans for planning and for actually handling the coastal zone effects of energy activities. States would only be eligible for funds if they could demonstrate that they had suffered or expected to suffer adverse impacts from energy development—particularly OCS development, which has first call on the funds—that were not offset by benefits of the development. The impact aid program is designed to be folded into the already established comprehensive program of coastal-zone management, so that a balanced planning and management approach will be sustained in harmony with the intent of the 1972 Act.

To sum up the Senate's activities in offshore oil legislation thus far in the 94th Congress, I would say that we have developed a reasonable package of new policies and procedures, based on the best tradition of Senatorial hearings—cooperative multi-committee work and solicitation of public views and suggestions. I believe the industry can live with and prosper under these policies, and I believe they are workable from an administrative standpoint.

The Interior Department, which has lacked secretarial leadership for most of this year, has told us again and again that there is no need to change most of the procedures that have been used for OCS leasing and management over the last twenty years. That is incredible in light of the radical changes we have seen in the nation's energy situation and the growth in the wealth and power of the oil industry. At the same time, the department assures us that where reform is needed, it can be accomplished without legislation by using Interior's rule-making powers.

That this is unlikely can readily be seen from Interior's miserable record on internal reform. For example, a set of proposed regulations for acquiring confidential information relating to private companies' geological and geophysical studies on the OCS was published last February, yet no final regulations have been promulgated. Threats of lawsuits by oil companies appear to have caused the department to retreat from its earlier attempts to obtain such information about the public's own resources.

When all is said and done, the complex issues surrounding Outer Continental Shelf oil and gas development come down to one simple fact: the resources of the OCS belong to the American people. Private industry's development of these resources emerges from a privilege, not a right. The terms of any agreement between government and industry to explore, develop and produce offshore oil and gas must be based, first, on the rights of the people as property owners, and second, on the welfare of the nation not only at the moment but also in the years ahead when oil and gas resources will become increasingly scarce and even more valuable than they are today. □

THE LAST DAYS OF FRANCO

WILLIAM BRAASCH WATSON

This issue of The Nation *was at the printers when word came of General Franco's heart attack.*—The editors.

The question is always "After Franco, what?" It is a genuine question, reflecting the concern of Spaniards and outsiders alike for the uncertain future of Spain, but it is not the question that needs to be asked now. The more urgent one, whose answer more than any other may determine the kind of future Spain will have, is "*Before* Franco goes, what?"

No one can responsibly predict what the political violence of the last few weeks will produce, but one ominous fact has emerged from the political turmoil that has been building in Spain for the last year and a half: the Franco regime, having rejected the growing demands for greater political and social freedoms, is now determined to defend its authoritarian institutions by waging war against its own people. That is what makes the last days of General Franco so perilous, not only for the Spanish people but also for the United States, with its large military establishment in Spain and its unwavering commitment to the aging dictator.

The visible danger to Spain does not come from outside but from the fatal internal weakness that afflicts dictatorial governments everywhere. Isolated from the political and social realities of their own countries by an array of institutions that inhibit or outlaw all interests but their own, and accustomed to the succesful use of force to preserve those doctrines, dictatorships prove themselves incapable of recognizing, let alone responding to, the changes taking place around them.

If Spain were as isolated from the rest of the world as General Franco would now like Spaniards to believe in order to foment patriotic unity, there would be less reason to doubt the survival of his dictatorship. But however isolated in world opinion the Spanish Government has

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seemed in the last few weeks, Spanish society today bears no comparison with the Spain that stood alone in the years immediately following World War II. The same social and economic forces that have transformed European society and its economy have swept across Spain in the last decade and a half. Spain has become an industrialized and urbanized society, and with this change has come a renewed determination to create institutions adequate to deal with the realities of a modern, pluralistic society: free elections, a free press, free trade unions and fuller participation in the free trade markets of Europe.

General Franco will have none of it, because to allow greater social and political freedoms is to admit defeat to the same forces he conquered in the Civil War almost forty years ago. He and his generation, determined to impose the fruits of their distant victory on the next generation, have decided to make a last stand. That is the threat they pose for the immediate future of Spain.

This determination to slam shut the doors of reform was made apparent in the summer of 1974, when the draft of a new law on political associations was presented to the government-controlled Cortes (Parliament). For months there had been talk about allowing political groups to form and present candidates for election for the first time since the Republic was defeated. However, in the draft of the law approved in December, but still not decreed by Franco, the government made plain that all such associations would have to pass through the eye of the needle held by the government and by the National Council of the Movement, the Fascist-inspired single-party organization that in one form or another has defined all political life in Spain since 1937. All associations would have to swear allegiance to the fundamental principles of the Movement, whose National Council was given the right, together with the government, of disapproving, suspending or dissolving an association. Appeals from such decisions could be made only to the head of the National Council, General Franco, and not to any independent courts. To make it virtually impossible for regional associations, such as the Catalans and the Basques, to run candidates even if they qualified under the above rules, the law required that associations have a minimum of 25,000 members, distributed over at least fifteen provinces. All associations that did not conform to these norms were declared illegal and subject to prosecution under the penal code.

The consequences of these restrictions were predictable. The only associations that could be formed as separate groups would be the same ones that have thus far been joined together in the Movement and identified with the present regime. Excluded by these restrictions were all the major political groups in Spain, such as the Socialist and Communist Parties, that have any claim to popular support, as well as a large number of center and conservative groups that now have no widespread or organized base, but that nonetheless have legitimate aspirations to develop genuine constituencies. The Law of Associations alters the forms but leaves intact the basic structures of the authoritarian state.

And for good reason. All the fundamental powers of the Spanish state remain in the hands of General Franco. Buttressed by an array of restrictive decrees and laws, and enforced through a varying, even erratic, combination of brute force and persuasion, they are the incontestable powers of a dictatorship. There was nothing in the new law on political associations to challenge them or even to modify them. Thus the one major hope that in a period of difficult political transition the Spanish people could begin to participate directly in the political life of their own country was crushed.

Several months later, in May 1975, the Franco regime sought to shore up another of its authoritarian institutions by decreeing a new labor law. Behind it lies a decade of labor strife that has been intensifying in recent years. There is no need to review here the thousands of examples of workers dismissed from union positions to which they were elected, expelled from their jobs, arrested and sentenced to years in jail, or simply attacked by the armed police for trying to organize representative unions, for taking part in strikes that were declared illegal (or until 1965 even subversive), or for demanding in other ways the elementary rights that workers had fought and won for themselves in Europe and America. The simple fact is that in Spain all strikes and other collective actions by workers have been declared illegal since 1938. But though outlawed, strikes have in the last decade become a common occurrence in Spain, primarily because it has proved impossible to expel or arrest the hundreds of thousands of workers who took part in them. In 1974 alone there were some 2,196 strikes, idling approximately 700,000 workers and affecting more than 1,000 companies.

It was against this background of labor agitation that the government decreed its new labor law. Like the Law of Associations, the Law on Collective Conflicts, as it is called, gives with one hand what it takes away with the other. For the first time since the Republic the right to strike is recognized as a natural remedy of workers' grievances. At the same time some 90 per cent of the strikes that have actually taken place in Spain during the last decade are now explicitly prohibited. Strikes cannot be called to modify or renew collective agreements; they cannot be carried out by civil servants, the police, or by civilian employees of the military; they cannot be called for political objectives or out of solidarity with strikers in other companies. Not only are most strikes outlawed but the few types that are permitted are subject to so many restrictive procedures that all spontaneous actions become impossible, and even the most carefully organized strikes are made vulnerable to harassment by management and the government through procedural delays that require a minimum of eighteen days between a strike call and the actual walkout. In addition, with the right of workers to strike comes the right of managers to fire those who participate in irregular or illegal strikes, while the government retains the power to declare that such strikes are against public order and their participants therefore subject to heavy fines and jail sentences.

It is too early to say how the Law on Collective Conflicts will be applied or what its practical effects on labor struggles will be, but the conditions established by the law make it clear that the right to strike, an indispensable tool of all labor organizing, has not been guaranteed by this law. It is safe to predict that, if the law is applied as written, it will become one of the most repressive instruments of the Franco regime—not because it is harsher than the Press Law of 1966 or more restrictive than the Law of Associa-

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tions but because under the conditions now prevailing in Spain it will be the most frequently challenged. Force—economic force or police force—has been the preferred instrument for dealing with labor agitation in the past. The new labor law does nothing to change that. If anything, it tries to legitimize such force by specifying in detail the occasions on which it is now legally sanctioned.

The profound social and economic changes that have taken place in Spain in the last decade or so have led to challenges not only against the labor laws but against almost all of the antiquated structures instituted by Franco. Though it is difficult to say what the outcome of these challenges will be, it is already apparent that the areas of conflict will expand and intensify as more groups arise to demand changes in the political and economic structures of the Francoist state. Since the evidence for this growing challenge is available from almost every sector of Spanish society, only a few examples need to be cited to illustrate the range and diversity of the conflicts now taking place.

In October 1974, some 4,000 doctors went on strike for three weeks against a government requirement that doctors obtain a "good-conduct" certificate from the police before being allowed to practice medicine in state-supported hospitals. The "good-conduct" certificate has been used for years to weed out teachers, lawyers and other professionals whom the government regarded as politically objectionable. Protests against this wholly political qualification have been made from time to time with no effect. The doctors, however, who were able to organize themselves on a national scale, took direct action instead of submitting yet another petition. When it became evident that they had succeeded in virtually shutting down the major government-supported health facilities throughout Spain, the government yielded and withdrew the "good-conduct" requirement.

A more revealing example of the increasing demand for political freedoms was the petition signed last February by more than 500 government officials, many of them prominent members of the bureaucracy. It called for a democratic state offering full participation by all political parties without any exclusions. It also demanded the right of civil servants to organize free unions. The interest of this petition does not lie in the political or economic power of the signers, for civil servants have not been organized in the past nor can they claim to represent any constituency but themselves. It lies rather in what an act like this suggests for the future of Franco's rule. Whatever the political preferences of these bureaucrats may be, it is apparent that they believe their political futures depend on their establishing a political identity separate from the regime they now serve. The petition may not have been a case of rats leaving the sinking ship, but it was certainly intended as a strategic withdrawal from positions that many concluded were no longer tenable.

Strikes by doctors, petitions from civil servants, demonstrations in the universities, and protests from lawyers' associations all contribute to the climate of unrest in Spain today, but one has to look elsewhere for direct challenges to the government's authority. One of the most powerful is the clandestine labor movement that has emerged in the last decade or so and that has almost replaced the official trade union structure as the real representative of Spanish industrial workers. Organized at the factory and shop levels with no fixed leadership or formal membership, the Workers' Commissions, as they are called, have spread to almost every industrial plant in the country and have thus become the major force in almost all the labor struggles of the past several years. In the process they have emptied the government trade union of its power to control the labor movement, either by successfully running their own members for official union offices (it is estimated that the Workers' Commissions won 50 to 80 per cent of such elections last summer) or by totally ignoring the outmoded structures of the official unions to the point that they become merely another bureaucracy and a source of political patronage.

This transformation is politically, and not just economically, significant because the government has been unable to deal with the Workers' Commissions except through its traditional instruments of repression. It can outlaw the commissions, but it cannot stop plant managers from negotiating with the only genuine representatives of the workers. It can use the armed police to break up their strikes, but it cannot directly supervise how fast and how hard their members work inside the factories. It can arrest and jail their leaders, but as the number of arrests increase and as labor conflicts intensify, so will the pressures to find other solutions than brute force. Already the special Tribunal of Public Order and the Supreme Court are beginning to resist government demands for stiff jail terms.

As has happened with so many other institutions in Franco's Spain, the government's attempts to deal with labor agitation correspond less and less with the realities they confront. As we have seen, the new labor law offers no hope that this situation will be changed from within the government. Instead, it seems to offer nothing but perpetual conflict.

The most serious challenge to the Franco government's authority has come from the Catholic population of the Basque provinces of northern Spain. Most people who know Spain recognize that the conflict between the Basques and the government has features that are unique to that part of the country. Yet the peculiarities of the Basque situation should not obscure what is characteristic in the government's reaction. The Basque autonomy movement is a growing danger to the government, not because of the assassination of Premier Carrero Blanco in December 1973, or the killing of police officials and other acts of violence throughout the Basque region, or even the size of the autonomy movement, which in terms of militant members of ETA is reportedly quite small, but because the government has been unable to isolate from its base of popular support a group that is willing to use violence as a political instrument. Despite all that the government has done to discredit ETA and to intimidate the population of the Basque region, the only tangible measure of its efforts thus far has been the largest political demonstration in Spain in five years, perhaps since the Civil War. On December 11, 1974, some 200,000 people in the four Basque provinces walked out of their factories and classrooms in support of Basque freedoms and of the hundreds of political prisoners, most of them Basques, now being held in Spanish jails.

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Vadillo, El Sol de Mexico

Faced by such open opposition, the government four months later declared martial law in the two most populated Basque provinces, though in fact the region has been filled with armed police for years. A principal objective of martial law was to control the movement of people and information in the hope of eventually tracking down the ETA and driving it from its hideouts. A midnight curfew was imposed, cars began to be searched frequently and thoroughly, and at the end of May it became a crime in Spain to publish information dealing in any way with the crisis in the Basque region. The government extended its search into homes (without warrants and frequently at night) and seized thousands of youths for questioning. (In the Bilbao area alone 300 persons were arrested in the month of May.) Since the Church in the Basque region has actively defended the people against police harassment and intimidation, priests have been attacked, beaten and imprisoned along with others. By the end of May some fifty residents of the Basque region and a score of police officials had been killed in the increasingly bitter struggle between the Basque separatists and the police.

The government's moves to eradicate ETA and to suppress Basque nationalism in all its forms has thus far only increased the violence and broadened the base of ETA support. By applying indiscriminately the instruments of repression, the government has managed to alienate large numbers of people who would otherwise have remained uninvolved—only 40 per cent of the people in the two most populous provinces are actually Basques—or who would not, at least initially, have supported the separatist goals of ETA. Determined to crush a well-identified challenge to its authority, the regime has ended by provoking an even greater challenge throughout the Basque provinces, and one that will be more difficult to deal with than ETA has proved to be.

The important question for the immediate future of Spain is whether the government's willingness to use increasing force to deal with the Basque autonomy movement will characterize its response to other challenges. The answer, unfortunately, has already been given. Unwilling or unable to reform its political and economic structures, the Franco regime has no choice but to engage in perpetual conflict with its own people and to increase the level of force it applies as the challenges to its authority grow bolder, more frequent and more widespread. At the end of August the government decreed new "anti-terrorist" measures that make the death penalty mandatory for those convicted of attacking police and government officials, eliminate appeals to higher courts, allow the police to search homes without judicial warrants and to hold suspects for ten days before registering their detention with the courts (a period that would allow the unhampered torturing of prisoners), and speed up court-martial procedures so that popular opposition to these summary proceedings will not have time to build. This last provision, together with other provisions of the new law, are aimed at the wider population that has come to support ETA and other opposition groups. A series of jail sentences and heavy fines are imposed on those who collaborate in any way with outlawed groups, who take part in demonstrations and other acts of solidarity with these groups, or who even indicate sympathy for them in the news media, films, songs, and so forth. Journalists and editors can be fired for merely criticizing the procedures of the military courts. In short, these repressive measures are designed to drain the lake in which the fish of opposition swim.

The government may manage by such means to slow the tempo of open dissent, or it may force opposition groups to select more drastic ways to advance their causes. In either case, the more the regime relies upon repression to control an increasingly restless population, the more it will be forced to depend for its survival upon the armed police and the military. In doing so, it will have to concede ever more of its political initiative to institutions that breed intransigence behind the slogan of discipline. Another way of viewing the executions at the end of September is to recognize that the regime, rather than displaying its determination and strength in the face of hostile world opinion, was instead revealing its weaknesses. The government was obliged to cater to the demands for vengeance coming from the armed police; had it failed to do so, it might well have created dissidence within the only institutions that it can rely upon in a period of political crisis and turmoil.

Governments that come to rely so heavily upon the forces of organized violence are inherently unstable. As they soon discover, it is not discipline that wins popular support, especially when that discipline involves the increased use of political violence. The Spanish question has not been fully answered yet, but the partial answers that

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have been given hold out little hope for a peaceful political evolution. The Franco regime in the last year and a half has consciously rejected the path of political and social reform and, though it undoubtedly hopes to crush the sources of opposition and thereby minimize social conflict, the steps it has taken seem destined only to increase it.

This is the context in which the United States Government has recently sought to renew its bases agreement with Spain for another five years. The commitment to General Franco has effectively isolated the United States in world opinion, but it has also done something still more dangerous. It has made the continued operation of the U.S. bases in Spain dependent upon a single factor—the survival of the Franco regime. Given the current situation, it is not only a foolish policy but one that invites American involvement and even intervention in the internal conflicts of Spain. □

(A second article will describe the forces that lead the United States to maintain its military bases in Spain and the dangers inherent in its position there.)

CAR EXHAUSTS

THE POLLUTION OF BUREAUCRACY

TOM NUGENT

Washington

Five years and $83 million after the Congress declared all-out war on auto pollution, the federal agency which it created to run the war has all but admitted defeat. This recent and gloomy assessment came in the form of an internal Environmental Protection Agency memo that was leaked to the Washington press corps last July, and which confirmed what a lot of the agency's critics had been saying for some time: the EPA's five-year-old campaign to clean up toxic auto emissions—primarily by inspecting and certifying automobile prototypes before they go on the assembly line—has failed badly.

Worse, the agency's accompanying failure to institute emissions-testing procedures for cars on the assembly line and cars out in the field, combined with its endless postponing of Congressionally mandated standards and several bad cases of bureaucratic bungling, has drastically reduced the chances for a truly effective auto pollution-control program.

Although the prospect cannot be described as hopeless (Ford and G.M., for example, in response to the energy crisis and the slump in auto sales, have recently begun building smaller, cleaner, more economical cars), the EPA memo of last summer—especially when seen against the background of the agency's performance during the past few years—shows that most of the fire has gone out of the pollution fight.

How did it happen? An analysis of EPA decision making reveals much more than the usual bureaucratic inertia; indeed, it would not be unfair to say that the agency has actually served as a kind of buffer between the auto makers and the ecological zealots. By simple inaction or by ineffective policy making, the government regulators have often helped to protect the auto industry from the pollution fighters.

The EPA record on emissions standards—a crucial and highly controversial element in the overall pollution strategy devised by Congress under the Clean Air Act of 1970—demonstrates how the agency's easygoing approach has served to protect the auto makers. The Clean Air Act called for a 90 per cent reduction in the level of polluting auto emissions between 1970 and 1976. But the ultimate standards (hydrocarbons, 0.41 grams per mile; carbon monoxide, 3.4 grams per mile; nitrogen oxides, 0.4 grams per mile) have been postponed three times by the EPA. And now the business-oriented Ford administration—with wholehearted support from the EPA—has pushed their implementation into the 1980s. The postponements have been recommended despite the fact that, according to research by the National Academy of Sciences, auto pollution accounts per year for as many as 4,000 deaths, 4 million illness-restricted workdays and $16 billion—or $80 per citizen—in property damage.

In five years of squabbling over standards, the auto makers have never changed their tune: the standards are always "unrealistic"; the industry inevitably lacks the technology to get the job done; the cost of pollution devices will send car prices "through the roof."

All too often, the EPA has caved in before these cries of distress. But recent developments show the situation wasn't quite as impossible as Detroit thought. Foreign manufacturers have managed for some time now to produce cheap cars which get good gas mileage *and* meet emissions standards. And even General Motors has shown itself to be less than helpless. As late as 1973, G.M. was loudly insisting that the catalytic converter (a basic emissions-reducing device which oxidizes combustion waste products before they leave the tailpipe) could never be the answer to auto pollution. Now it has installed the converter on most of its 1975 models, and pronounced itself quite happy with the device.

The EPA's timid maneuvering on emissions standards was evident in the recent controversy over levels of sulfuric acid produced by the catalytic converter. The controversy emerged when Russell Train, who took over from William Ruckelshaus as EPA administrator two years ago, announced that the converter, while it did a good job on other pollutants, itself emitted potentially hazardous amounts of sulfuric acid. Basing his decision entirely on a report from the EPA's Durham, N.C. testing lab, where the high level of sulfuric acid has been detected, Train

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suspended the 1977 emissions standards and called for postponement of 1978 and 1979 standards as well.

Within a few weeks, however, a second EPA study came to very different conclusions—it showed that the "model" which Durham had used in analyzing the sulfur threat (it envisioned bumper-to-bumper traffic moving for 30 miles along a ten-lane freeway during a period of very low wind and stable atmospheric conditions, with housing located within 150 feet of the roadway, etc.) bore almost no relationship to reality. The second report pointed out that there are only 16 miles of ten-lane freeway in the United States; that fewer than 5 per cent of urban commuters travel 30 miles or more to work; that traffic would rarely, if ever, remain bumper to bumper for 30 miles on a ten-lane freeway; that the stipulated low winds and stable atmospheric conditions could be expected during only eight to fifteen hours per year and that very few houses these days are located within 150 feet of a freeway. In sum, the second report effectively demolished the first, raising sizable doubts about the wisdom of Train's decision to suspend the standards.

The EPA's critics jumped to the attack, pointing out that automobiles account for only about 1 per cent of all U.S. sulfur emissions anyway, and that the sulfuric acid from trucks and busses already poses a larger hazard than the one the EPA was suddenly so concerned about. While Congressional opposition to Train's decision mounted ("This just serves to point up the extreme confusion that must exist over there," said an aide to Sen. Edmund Muskie, a principal architect of the Clean Air Act), the most damaging criticism came from within—from an engineer at the EPA's Mobile Source Air Pollution Control Division headquarters in Ann Arbor, who said:

> [Train's analysis of the problem] was not the kind of crisp, coherent thinking you would expect from someone in a high, administrative position like that. He didn't seem to have a very good grasp of the engineering involved. . . . A lot of the engineers around here were just shaking their heads.

Of course, the EPA brass insisted that Train had properly exercised caution: "Both groups used the same data," said a top official at Mobile Source (the EPA division which handles emissions control), "and there's a lot of uncertainty about the actual hazard involved. You could almost pick a scenario, depending on which side you're on, to make the answers suit your beliefs. . . . Train made the decision on the side of conservatism, that's all."

Eric Stork, the Washington-based chief of Mobile Source, was even more emphatic: "I know why Mr. Train made the decision," said Stork, "and it was not to throw a bone to Detroit." But the suspicion remains that the agency was simply looking for a way to justify another postponement of standards for the depressed auto industry.

The EPA has also been criticized for its lack of vigor in the key area of enforcement. About a year and a half ago, for example, the agency announced that its ongoing "surveillance" program had determined—after thousands of random, "in-use" emissions tests—that 1.4 million cars were exceeding the applicable standards and would have to be called back for pollution adjustments. But the recall never materialized: after months of wrangling with the auto makers and a lengthy "review of the data," the EPA simply decided last winter to drop the matter. Said Ed Brune, head of Certification and Surveillance at Mobile Source:

> We felt the data should be as absolutely perfect as it could possibly be, and although there is some amount of data, we just don't feel they're good enough to go into court with. . . .
>
> At the time they made the [callback] announcement, the data hadn't really been reviewed in the kind of detail we got into later. Plus, we had some discussions with the manufacturers concerning the data—there are a lot of questions about whether the cars were properly maintained in-use. . . .

One question which was *not* in doubt, however, was whether or not the cars involved in the abortive call-back were exceeding pollution standards. They were—and EPA critics were quick to blame the cancellation on bureaucratic mismanagement: "That whole thing was a disaster," said one of Ralph Nader's Washington EPA watchers. "There's no question but that the cars were in violation. The real problem was that the EPA was using inadequate testing procedures. . . . They were really taken for a ride on that one."

When questioned about decisions like the abandoned call-back, EPA officials invariably defend themselves by pointing out that auto pollution is an incredibly complex matter—far too complex, in fact, for the ordinary layman to grasp. And in truth the problems with which the agency must grapple—in a society that has 105 million cars on the road and 700,000 workers who depend on the auto industry for their paychecks, and in an economy where 16 per cent of the gross national product is automobile-based—are extraordinarily complicated. Nevertheless, the overall pattern of EPA enforcement during the past five years seems clear: the agency hasn't been tough enough.

The most bizarre incident in the EPA's tangled enforcement history came in the spring of 1972, when a Ford Motor Co. executive called Mobile Source headquarters in Ann Arbor to announce that the company had just caught itself cheating on tests.

According to Ford management, several "lower-level" people (without the knowledge of the upper echelons, of course) had conspired to perform "extra" maintenance on prototypes. (Under EPA guidelines, the manufacturer tests his own prototypes at 5,000-mile intervals over 50,000 miles, bringing them to the Ann Arbor facility for further testing every 15,000 miles. The 5,000-mile tests are based on carefully detailed maintenance schedules designed to assure that the vehicles in question do not benefit from fine tuning or engine overhauls before they are checked.) In short, Ford said that it had learned, quite by accident, that its technicians were keeping two sets of books—one which showed the actual, and excessive, amount of maintenance that had been performed on the cars, and a second that conformed to the guidelines.

The sudden Ford confession seemed astonishing in an era of widespread corporate secrecy, but EPA officials insisted that the initiative had come entirely from the auto maker. "We had our suspicions, of course," said Brune, "but that's all they were—suspicions. It came as a complete surprise to us."

But another EPA staffer (he was not on the scene at the time, however) insists that it's "common knowledge" at the

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EPA that the agency "had Ford cold on that one. . . . They tore down a bunch of engines and proved conclusively that Ford had been cheating on maintenance. . . . Then they called up and told them: 'We got you—either you break this thing or we will.' "

The EPA hotly denies this contention, describing it as "somebody's imagination running wild." Stork points out that, as a result of the disclosure, Ford drew $7 million in penalties, in addition to some expensive delays in certification. "I would never get involved in anything like that," said Stork of the alleged EPA-Ford deal. "I am not an intellectual whore for anybody!" But the troubling facts remain that the EPA's suit against Ford was quickly settled; that the agency obligingly agreed to work around the clock to certify a new line of Ford prototypes so that the company's production schedule would not be seriously affected, and that the penalties which Ford paid actually amounted to only about 1 per cent of its 1973 profit. Ford had proved, in short, that you could cheat on prototype testing—even get caught cheating—and go right on piling up the usual profits.

If there were any doubts remaining about the ineffectiveness of the EPA's overall auto pollution-control strategy, they were resolved by the memo of June 13 that was leaked to the press in July. That report, the first draft of a "strategy paper" prepared by the agency's Office of Enforcement, provided a refreshingly frank appraisal of the EPA's basic programs—starting from the assertion, "The success of EPA's Mobile Source Control Program is directly measurable in terms of the performance of vehicles in-use."

And what did this "direct measurement" show? The statistics were compelling: the majority of automobiles now running on American streets and highways do not meet federal emissions standards. More than two-thirds of them, in fact, currently exceed the standards for carbon monoxide, hydrocarbons and nitrogen oxides by significant margins. And, most important of all, the statistics indicate that there has been no significant trend of improvement in emissions levels during the last few years.

The inescapable conclusion appears on page 32 of the report: "The data indicate that certification alone—as a total mobile source strategy—is not adequate to achieve the goals of the program."

Of course, the EPA has been insisting for some time now that prototype testing alone would not do the job: Stork's office, responding to press stories about the leaked memo, hammered hard at this—pointing out that, on average, cars tested immediately after tune-up *do* meet standards, and that the agency has for years been pushing for both assembly-line testing and in-the-field inspection-maintenance programs. But the fact is that both these programs are still in the "proposal" state: they have not been implemented and, considering the state of the economy, the recession-haunted mood of the public and the Republican administration, it does not seem likely that they will be implemented in the near future. The EPA's "massive failure" came because it placed all its eggs in one basket; because it decided, several years ago, to rely on prototype certification as a basic strategy.

Sitting in his Ann Arbor office one day last June, Brune listened to a long string of criticisms and questions, deliberated for awhile and then came as close to blowing his stack as any seasoned bureaucrat ever does:

> I get really sick and tired of all the goddamn Monday morning quarterbacks. It's really easy . . . guys can come in here and say, "Jesus Christ, why didn't you do this in the IUCP [In-Use Compliance Program], and why didn't you do that in the IUCP?" Well, these guys were sitting around like a bunch of clams two years ago when you were designing the program.
>
> We got a world full of Monday morning quarterbacks—and not very many innovative people.

Brune's sense of frustration is shared by the officials at Mobile Source headquarters in Washington who feel that critics in Congress and the media invariably emphasize the agency's failures while giving no credit for the gains that have been made, and without recognizing the gigantic scope of the task that Congress has placed on the agency. There is little doubt that some gains have been made (recent and "admittedly sketchy" data show, for example, that air-pollution levels have dropped by a few points in some cities, at least partially as a result of lower exhaust emissions). And there is no question but that the auto industry's plan to increase the production of smaller, cleaner cars is a reason for hope.

Stork emphasizes these positive indicators when he says that the EPA's performance should be measured in terms of long-range gains and not by its day-to-day effectiveness. "Something like air pollution didn't happen overnight," says Stork, "and you're not going to change it overnight. To expect changes like that overnight is wholly unrealistic. Sure, the progress is not as great as we perhaps would have liked—but very important progress *has* been made. What nobody realizes is that just containing pollution, just keeping it from getting any worse, was a real triumph."

But the critics aren't convinced. They point to the fact that standards aren't being met—and that the agency shows little determination to make the tough decisions needed to enforce them. "Given the present Republican administration," says Clarence Ditlow of the Washington-based Public Interest Research Group, "the EPA is going to have its hands tied on really confronting the auto industry."

It may not be that simple. In fact, the EPA's "massive failure" may have come about because it was charged from the start with an impossible task: that of trying to persuade a society which has always been in love with big, fast cars to give them up for the sake of cleaner air. This task was summarized in an EPA pamphlet: "What will be required is a fundamental change in the relationship of the American citizen to the private automobile."

Thus far, the American citizen has shown little enthusiasm for the idea. A large and deep-seated contradiction is at work here—the contradiction between our public, national goals (like cleaner air) and our private, individual goals (like saving up to buy a big new road cruiser)—and it is dramatically illustrated by the large color picture which hangs on the wall behind the desk of Ed Brune, boss of auto emissions surveillance for the entire United States. It shows a 1968 Brabham Formula I race car, in a glorious cloud of dust, thundering down the middle of the track. □

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BOOKS & THE ARTS

Belling the Corporate Cat

WHERE THE LAW ENDS: The Social Control of Corporate Behavior. *By Christopher D. Stone. Harper & Row. 273 pp. $12.95.*

DAVID W. EWING

Two centuries ago Adam Smith outlined the principles of an economic system in which the unfettered drives of millions of people for personal profit would produce "universal opulence." Within decades the vision of *The Wealth of Nations* was sweeping the Western world and producing awesome economic powers for the nations that followed it. But it did not take long for Americans and others to lose their innocence about capitalism. It had a demonstrated capacity for evil as well as good, and its capacity for evil was not to be easily contained. Since the passage in 1887 of the Interstate Commerce Act, the first major attempt to control big business, Congress, the executive branch, the courts, the press and countless public interest groups have sought with only limited success to make capitalism more accountable to the standards and wishes of the people.

Christopher Stone's book offers more than a set of techniques for combatting corporate tendencies to pollute illegally, produce unsafe products, misrepresent, embezzle, and in other ways violate public norms. The volume's most important offering is a fresh concept for enforcing accountability. Almost all pro-capitalist economists and legislators believe in treating the corporation's inner processes as a "black box," to be influenced only indirectly by such external threats as court-imposed fines, restrictive statutes, new regulatory commissions and the countervailing power of unions, consumer groups and stockholders. And that is the way Adam Smith would have it. But Stone thinks otherwise. Public officials must stick their hands into the decision-making machinery itself, he says. "We need more straightforward 'intrusions' into the corporation's decision structure."

Why does the traditional reliance on legal penalties and threats fall short of the need? Coming from a well-known professor of law (University of Southern California) and one-time Wall Street lawyer, Stone's analysis of the limitations of the law is impressive. The law, he points out, has traditionally focused on disciplining individuals, not organizations. Its notions concerning how to steer individuals between right and wrong, by employing threats and incentives, are not transferable to corporate "persons," nor are its ideals about privacy and the sanctity of personal thought processes.

For one thing, corporate employees shed their individual uniqueness when they take up roles in the organization; they become committed to the needs and goals of elaborate functions and subsystems. For a documented example, Stone might have referred to Nancy Foy's book, *The Sun Never Sets on IBM* (William Morrow and Co., 1975), which sets forth the many subtle and pervasive ways in which the behavior of IBM Man departs from that of other men. We know today what Smith didn't know: that the collective, role-playing, molecular conscience simply does not respond to public sanctions as the individualistic atomic conscience does. Pressure from one's boss and peers is more urgent, more real than pressure from a subcommittee headed by Sen. William Proxmire, from John Gardner's Common Cause, from the Federal Trade Commission or other such agencies. Setting up a new division in the U.S. Justice Department on corporate crime, as proposed late in August by Ralph Nader and four Congressmen, is not likely to do much good either.

But this is not the only reason that legal penalties fail. Stone points to the practical difficulty, in many instances, of any employee, however sensitive and enlightened, knowing who is to blame for a corporate failure—or, indeed, if anyone is to blame. Let us say that a dangerous radiation hazard develops in a nuclear power plant. There may be bits of information lying about which, if gathered in the mind of one person, would make continued operation of the plant a matter of deliberate recklessness. In reality, however, no one person sees the whole picture. The nuclear engineer has some of the facts, maintenance people have a few others, the night watchman knows something damaging, the research department has other relevant pieces of information, and so on. But each person or group has just a few pieces of a large puzzle, and it simply is not realistic to hold any of them—or top management—responsible for grasping the overall view.

Even if employees do sense danger, they are apt to lay the blame at someone else's doorstep. If, for example, a faulty automobile is being produced, the assembly people may sincerely believe that the task of correction is for the quality control department; quality control is convinced that any change must be made by the design engineers; and design is apt to blame accidents on local service departments or drivers. In such a situation, no one takes the initiative to correct the failure, so intent are all groups and departments on describing success and failure in their own terms.

Suppose the courts were to impose far steeper fines and damages on companies that violate the public interest? Might not people in large organizations be forced then to overcome their bureaucratic ways and become more attuned to dangerous practices? Stone recognizes that the $7 million in fines on Ford in 1972 because of serious violations of the Environmental Protection Act, the $80,000 assessment against Richardson-Merrill for producing a hazardous cholesterol-repressing drug (MER/29), and similar penalties are paltry sums for sizable corporations. But if such fines were to be increased, there is little evidence that managers would be intimidated. Their own compensation tends to be unaffected by ups and downs in the corporate treasury.

Besides, judges hesitate to assess crippling damages. In the Richardson-Merrill case, Judge Henry Friendly feared that a severer penalty might "end the business life of a concern that has wrought much good in the past and might otherwise have continued to do so in the future, with many innocent stockholders suffering extinction of their investments from a single management sin."

For these and other reasons, Stone argues that society can no longer afford

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to regard what goes on inside the corporation as off-limits to the view of judges, government agencies and other public officials. He advocates a series of "intrusions," some of them supported by recent precedent, some not—all in all, an innovative package.

When a company is found guilty of negligence, irresponsibility or illegal behavior, a federal court or agency can "inject" officials charged with correcting the abusive tendencies. In 1974 a federal court in Washington, D.C. ordered Mattel Inc., a toy manufacturer some of whose executives had been playing fraudulent games with stockholders, to appoint two new directors to its board; the directors had to be outsiders, approved by both the court and the SEC. In addition, the court required the company to set up several committees charged with investigating and overseeing certain activities in the company that no one theretofore had controlled.

In short, by changing the way in which the company was managed, the court hoped to improve its collective "conscience" and also eliminate some of the excuses innocent managers had had for not knowing what was going on. While few such actions have been taken yet, because of the distaste—in keeping with Adam Smith's doctrines—for interfering with management, Stone sees no reason that courts could not follow the precedent much more often.

A related kind of intrusion is the "probation officer" approach. Several years ago ARCO (formerly Atlantic Richfield Oil Co.) was caught spilling oil into a Chicago canal. It seemed obvious to the government lawyers that the $500-to-$2,500 fine which could be imposed would be no deterrent—indeed, the same leaky plant had been convicted of the same violation before. So they convinced the district court judge to place the company on probation, much as an individual might be. If, within forty-five days the company did not correct its procedures, the judge was to appoint an officer to go right into the plant and make good and sure it changed its ways. Unlike an individual wrongdoer, the corporation could not visit the probation officer, Judge James B. Parsons acknowledged, but the probation officer could pay visits to the corporation. This innovative step, too, could have many uses in the future.

Then there is the inspection-team approach. Just as government procurement agencies put inspectors on the site of a manufacturer to see that production meets applicable codes and specifications, why not appoint inspectors to oversee some troublesome area of corporate operations in a delinquent company? There is no need, Stone points out, to wait for a company to produce a defective product or let workers be injured by a hazard, and only then take action. A foreseeable difficulty can be headed off.

The legal precedent for this approach is a 1963 case involving the accounting firm of Lavanthol, Krekstein, Horwath and Horwath, which had got into trouble with the SEC. The court ordered the American Institute of Certified Public Accountants to select an inspection team to go inside the firm and report back on how well it was making certain procedural changes requested by the judge. No cat-and-mouse games here: the defendant had a weakness, and the weakness was to be corrected before the firm got into worse trouble.

But what about the nuclear power plant case, where no one in the organization sees more than a piece of the problem? Stone's proposal is to require the company to make certain findings in advance about possible problems, much as certain government agencies are required to assess the environmental impact of proposed highways, housing developments and other contemplated projects. Having alerted itself to possible dangers, management can devise new ways to cope with them—for instance, a management information system that will bring together many individual pieces of information.

This technique is not as visionary as it may seem. One need only leaf through the case files used in many graduate business schools to learn how often one organization has already devised the solution that escapes the attention of another company in search of an answer. It may indeed be that no top executive, scientist or engineer in the nuclear power plant has enough facts now about the radiation leakage to see that a disaster is in the making. But the chances are good that an information system could be devised that would bring the relevant facts together in one picture, simply by drawing fully on existing knowledge.

This book's argument for new interventions will have no appeal to people like former Sen. Sam Ervin of North Carolina, who complains that already "the federal bureaucracy has become like the third curse of Moses—a suffocating plague of frogs brought forth from out of where they belong into the villages and the very houses of the people." Moreover, some powerful judges may wince at the thought of venturing beyond their traditional limits into the domain of management decision making, especially if no measures are taken to relieve the excessive case load in many courts.

Yet Stone's approach is likely to have considerable appeal to the public in general. There is growing concern about corporate irresponsibility and quickening disillusionment with a legal control system that sometimes seems to control not at all. The philosophy of corporate responsibility as generally articulated by conservative spokesmen appears to be no answer to the problem—it is a vague, puffy and fuzzy philosophy, as hard to grasp as floating milkweed seeds. Many thoughtful Americans feel the need for something new in the way of control. This book offers just the sort of breakthrough in concept and technique that much of the public is looking for. □

Blossoms in the Wind

THE NOBILITY OF FAILURE: Tragic Heroes in the History of Japan. *By Ivan Morris. Holt, Rinehart and Winston. 500 pp. $17.95.*

GORDON GRAHAM DOWLING

In the month of April, traditional Japanese families travel to such spots as the Heian Shrine at Kyoto to view the magnificent display of cherry blossoms. Carrying small, exquisite and meticulously prepared meals, often consisting of stuffed rice balls, succulent roast duck, fishes and other delicately prepared morsels in *hangetsu*, half-moon-shaped boxes, they spread a crimson picnic cloth. Upon this cloth the blossoms fall, carried by the slightest wind, in the full perfection of their beauty, lending an air of cosmic sadness to the scene. The Japanese warrior ethos, too, took as its metaphor the pathos of these Sakura blossoms for, just as—alone among flowers—these fall unfaded and unwithered, it was believed that the

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greatest glory was to be found in a death while the individual remained young and pure, untarnished by the appalling decay brought by the passage of time.

For this reason the Japanese military took the five-sided flower as its symbol, and *kamikaze* pilots, facing death, sang such sentimental songs as *Class of Cherry Blossoms*. Such a feeling represents the crystallization of an aesthetic of purity, death, failure and glory which has been prevalent throughout much of Japanese history.

It is to this aesthetic that Ivan Morris has directed himself in his latest work, *The Nobility of Failure: Tragic Heroes in the History of Japan*. Although an eminent scholar of Japanese history and literature, Mr. Morris, who has recently moved from Oxford to Columbia University, was, by his own admission, so enamored of "the beauty of Japanese Court culture and the tranquil world of Genji," about which his earlier works have served to make him the leading Western authority on Heian Kyoto, that the "harsher, more tragic side" of Japan had largely been obscured in his former studies. It was Yukio Mishima who suggested this to Morris and it is therefore to Mishima's memory that he has dedicated his present work.

The Nobility of Failure concentrates on men of action "whose brief lives were marked by struggle and turmoil." It deals with the failed hero, who is all the more noble for his purity of motive, despite the unsuccessful nature of his sacrifice. The work, a culmination of a period of brilliant scholarship, consists of biographical sketches of nine men, and a brief discussion of some few more recent figures in Japanese history who also fit Morris's archetype. Included are: Yamato Takeru, a figure described in the *Kojiki*, Japan's "Record of Ancient Events," a mixture of myth and legend, who, in his final downfall at the hands of the gods after a stunning record of earlier military triumphs, sets a pattern for many of the splendid failures in Japanese recorded history. Yorozu, believed to be the first military commander to commit suicide rather than suffer capture by his enemies, set in 587 A.D. the precedent for later ritualized *seppuku*. Although Prince Arima and Sugawara no Michizane were victims of court intrigue and not the battlefield, the first a young nobleman, the second an elderly scholar, while Minamoto no Yoshitsune remains among the most popular of Japan's warriors—all shared the martyrdom of a lonely death made the more intense by their quality of *makoto*: a word generally translated as "sincerity" but one which, in truth, embraces a deeper, quasi-religious aspect. With the exception of Amakusa Shiro and Oshio Heihachiro, Morris's characters display another interesting pattern: the tragic hero in Japan is most often associated with an older order whose close is already predestined by time and change; seldom is he a revolutionary, a reformer. But all Morris's figures share a dignity of defeat in a forlorn enterprise.

The last four men to whom Morris devotes individual biographical essays lived in the period from 1294 to 1877. Kusunoki Masashige's stubborn and unwavering loyalty to the lost and unrealistic cause of Emperor Godaigo proved vain; in the end, his years of effort were to culminate in the rout of his forces and the establishment of the Ashikaga shogunate. Amakusa Shiro, leader of the Shimabara Rebellion against the Tokugawa government, which resulted in purging Christianity from the Japanese archipelago, and the noteworthy aristocrat Oshio Heihachiro furnish further subject matter. Heihachiro, during a period of famine and great hardship for the common man, headed an abortive peasant insurrection in Osaka. His act of self-sacrifice in 1837 was to become one of the principal incentives for Yukio Mishima's belief in the worth of positive action in a vacuum of cosmic nihilism. Perhaps the most appealing of Japan's military figures of modern times, Saigo Takamori, another associated with the doomed struggle of an older order, was a famous general and diplomat who held the position of Chief Counsellor of State in the Meiji government, and resigned to retire to his own province of Satsuma, the last stronghold of samurai intransigency to the new regime. He became the commander of the great Satsuma Rebellion of former samurai in 1877, the last of Japan's civil wars, which was finally crushed by the superior power of the Meiji army.

Morris concludes his book with an intriguing study of the *kamikaze* pilots of World War II. Like Kon Ichikawa's film, *The Harp of Burma*, Morris's essay on the airmen of the "Divine Wind" squadrons humanizes the Japanese soldier in a manner which many Western readers will no doubt find unusual. There follows a final mention of two other men of our own time as fitting into the tradition of which he writes. The first is the novelist, Yukio Mishima. The second is Lieut. Hiroo Onoda who, defying the reality of Allied victory in the Pacific, remained in the mountains of the Philippines from 1945 until his capture in 1974.

Fortunately, Morris has not seen fit to make psychoanalytical hay out of his characters. His restraint has spared us the pitfall of psychological inquiry into historical and even pseudo-mythical figures, much of it speculative, not to

THE CHILD

He had to learn
the way a staircase
climbs without moving.
He knew the trees
talked together; not knowing particular
signs, but understanding
their hard, isolate trunks,
their branches shaking before a rain.

And then one night to walk out
beyond the people's voices,
the hide-and-seek and statues,
beyond the brick houses
into the field
where two cats chase moths
through weeds and bushes, mingling with the black
scraping of crickets.
He sat in the prickle of night-grass,
the half-moon behind him,
and took out his book of matches.
He burned his hand in the field, to seal
his marriage to the several fires
that cannot be touched for long.

Lawrence Russ

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say notional. Nor has Morris burdened the reader with a contemporary view of the political nature of his protagonists' lives and acts. It is to Morris's credit, then, that he has introduced his biographical material in such a manner that we are able to comprehend his characters as men, and therefore as heroes.

Ivan Morris's ostensible purpose for presenting the case of the failed hero in Japan is "to contradict the stereotype about the Japanese being exclusively achievement-oriented," and the author can scarcely be criticized for trying to broaden the Western understanding of the Japanese aesthetic. Yet latent in *The Nobility of Failure* is Morris's contention that such an aesthetic is the opposite of that to be found in Western culture. The author notes that "Napoleon's panegyrists rarely dwell on the period after Waterloo whereas if he belonged to the Japanese tradition his cataclysm and its bitter aftermath would be central to the heroic legend." Indeed, it is a pity that Morris has not offered a detailed argument to support his contention, for the reverse appears to be nearer the truth. It would seem that Japan, alone among non-Western cultures, shares exclusively with the West that variety of romanticism which glorifies the failed hero, just as Japan, alone among Eastern societies, shares with us the feudal experience. In fact, if any generalized difference is detectable, it might be said that the failure which characterizes the Western hero, from Achilles and the protagonists of the Greek tragedies to Hamlet, is most often an interior collapse rather than an external defeat.

Yet since so many of the men about whom Morris writes were military figures, a comparison with some of the martial heroes of Western culture would seem appropriate. Actually, our monuments to victorious conquerors have never seized the popular imagination so much as the solitary, misunderstood hero, who meets defeat either within himself or in a hostile world. To cite Hellenic culture in this regard would be superfluous, for Mr. Morris himself admits that there are strong parallels. Yet an Achilles shares more with the early Japanese heroes than simply the characteristics of tragic failure. He, like they, represents an older aristocratic order, destined to failure, just as Troy itself represents the rising world of the city-state which was soon to displace the glorious world portrayed upon Achilles's shield.

Surely, men like Alexander and Hannibal—more than the Wellingtons and Caesars—engage our sympathy precisely because of the Western romanticism that makes Alexander attractive to us even in spiritual collapse, and Hannibal despite his ultimate defeat, rendering their former triumphs all the more poignant. In a more modern period, are we not drawn to such men as Charles George Gordon who, after his early victories in China and Africa, remained so committed to an ideal that he met an isolated death at the tip of a Mahdist spear? Or T.E. Lawrence, whose desire for glory was so all-consuming that it led to his spiritual breakdown and suicide? An earlier generation romanticized Custer and his last battle, and is not one of the most famous single military actions the charge of the Light Brigade? If the Earl of Cardigan's command had successfully charged a Russian redoubt in the Crimea, the event would hardly be remembered today except by a handful of armchair tacticians. It is doubtful that any of these men would have been elevated to heroic stature if not for their final defeat. To add one last example, the figure of Saigo Takamori is almost interchangeable with that of Robert E. Lee; it is to the qualities of Lee more than to his conqueror that our imagination has attached itself. Lee's failure, like that of Takamori, is what has made him a tragic figure. Just as Takamori directed the old order in Japan into battle with the new, despite his conflicts of interest and sympathies, so Lee also commanded a foredoomed cause with the sincerity and steadfastness which Morris attributes to the Japanese hero.

It is of course apparent that the Japanese aesthetic of failure is more highly refined while the Western is more eclectic in nature, embracing many diverse forms of romanticism and images of the tragic which never developed in Japan's comparatively isolated culture. It can only be hoped that Ivan Morris will at some future date follow the splendid biographical studies contained in *The Nobility of Failure* with a work addressing itself to this interesting question.

Thus, like the dainties served at the festival of cherry blossom viewing, Ivan Morris's book is an exquisite work, yet the contents serve to whet one's desire for further discussion, information and understanding. The spectacle of a man, caught in the web of fate, will never cease to move the human heart. And when such a man remains stalwart, despite the failure of his hopes, when a fusion of death and glory and immortal beauty are his, even for a brief moment, we feel the sense of kinship evoked by the *kamikaze* pilot's terse poem:

Today in flower
Tomorrow scattered by the wind—
Such is our blossom life
How can we think its fragrance lasts forever? □

In the Snows of Canada

THE BIGGER LIGHT. *By Austin Clarke. Little, Brown and Co. 288 pp. $7.95.*

DAVID ROSENTHAL

> . . . there is so few people in the world today who have love in their hearts for anything, except money. It must be this country that makes a person fall in love with money more quicker than with a person. I am becoming as money-conscious as the biggest Canadian-born Canadian!

The Bigger Light is the final novel in Austin Clarke's trilogy about Barbadian immigrants in Canada. Like the first two books, this one tells a story of West Indians who search for success and a feeling of belonging in the cold, businesslike world of Toronto. This last volume, however, deals with two Barbadians who have actually begun to "make it" in their new home. Having become successful, they now find themselves faced with the emptiness of their success. *The Bigger Light*'s real theme is the predicament of those who leave a stagnant homeland for a nation where they will never feel at ease.

The book's central characters are Boysie Cumbersnatch and his wife Dots. Both have lived for years in Canada—so long that their memories of Barbados are faded and confused. Dots, who began life in Toronto as a housemaid, now works in a hospital. Boysie, who was unemployed when they were married, is the prosperous owner of an office cleaning business. Like most of their fellow West Indians, the two of them left behind a corrupt society that offered no outlet for their energies. Now they are upwardly mobile. Boysie, in particular, is well on his way into the upper middle class. He is acutely conscious of the fact,

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and constantly worries about what is proper for "a man in his position."

Both Boysie and Dots are unfulfilled. In moving up, they have also become estranged from the spicy, vulgar world of most West Indians in Toronto. Though they have more money, they no longer throw parties as they used to. Instead of going to the restaurants and dancing places they loved, where they would dance to "reggae" music and eat meat patties, the two of them now spend their weekend nights in sedate white bars. There they feel like the outsiders they actually are.

Weekends are about the only time Boysie and Dots ever see each other. On most days, he begins cleaning at around the time she finishes at the hospital. When the book opens, their marriage has already frozen into mutual hatred. They no longer know each other, and Boysie feels that they never did. He spends his morning gazing out the window, waiting for a woman who each day emerges from the subway, crosses the street, and disappears. Dots, who is childless, thinks continually of adopting a little invalid, a white girl suffering from brittle bones whose story she read in the newspaper. Neither Boysie nor Dots ever makes contact with these fantasy figures, which only express their loneliness.

Throughout the novel, Boysie is "thinking." Since he has little education, his thoughts do not really take him anywhere. He circles aimlessly around his own isolation. Though unhappy in Canada, he cannot return to Barbados. Money-making does not satisfy him, but the black community center repels him by its shabbiness and air of militancy. He can never become assimilated in his new home, nor is he comfortable with other West Indians. In one sense, he is a classic case of newly rich anomie. Yet his plight is also that of the Canadians themselves. The Toronto we see in *The Bigger Light* is a barren, chilly place. From Boysie's apartment window, we watch its abandoned old people as they walk cautiously through the snow to buy liquor, returning with their brown paper bags. The goal of money-making, as Clarke presents it, is the only one white North America offers. And embracing this goal, Boysie discovers it to be dead. He also discovers the sterility behind Canada's smug, cozy exterior. Yet he cannot go home, for "home" is a place of venal politicians and profiteering U.S. businessmen.

The Bigger Light is a painful book to read. Though Boysie's thoughts, his letters to the newspapers, his obsessively repeated listening to Judy Collins's *Both Sides Now* give a slight sense of movement to the novel, basically it is static—a story of two people with many things to say and no one to say them to, who hate themselves and bitterly resent the society around them. At the end of the book, Boysie leaves for the United States. It is hard to imagine that he will find here what he lacked in Toronto. Certain African novelists have also dealt with the isolation of self-made blacks, but none with Clarke's bleak intensity—perhaps because Clarke's black hero is also living in the middle of a white world. In reading *The Bigger Light*, we are forced to look hard both at the dead-end life of black immigrants and at the inhuman machinery that surrounds and destroys them. □

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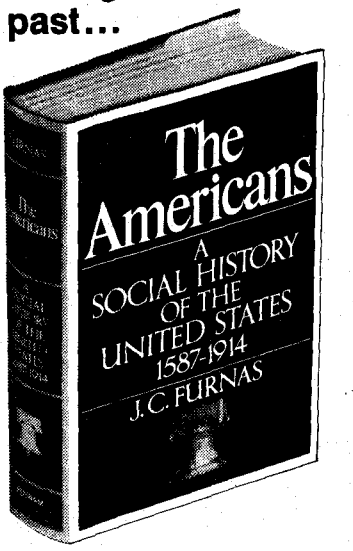

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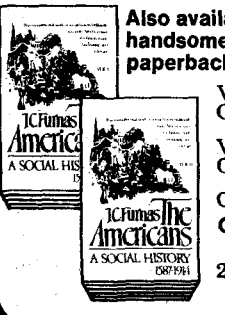

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Film Festival II / Harold Clurman

There is no altogether abstract art, just as there is no total realism. Speculation in this vein agitated my mind as I watched sixteen pictures (exclusive of shorts) at the New York Film Festival. I could arrive at no conclusions on a general aesthetic level except that in this framework I found greater satisfaction in pictures which dealt with the concretely real than in those which tended toward the vaguely metaphorical or the quasi-metaphysical. Several of the latter were of an unconscionable pretentiousness, so many tenuous exercises in egocentric sensibility.

From West Germany, Werner Herzog's *Every Man for Himself and God Against All* occupies a place between the two modes. It tells the oft-repeated and probably legendary story of Kaspar Hauser, the young man who appeared in the Germany of the 1820s with no memory of any previous life experience. He had to be taught everything from scratch. In a recent play, Peter Handke's *Kaspar,* the character becomes a being mechanically programmed by the use of the publicity slogans and shibboleths of industrial society. In Herzog's film, set in the rural town of the story's origin, Kaspar's education is gradual, gentle and touching.

In several charming scenes we see Kaspar being instructed by two children in the home of the kindly folk who have adopted him. He is patiently taught how to name the organs of his body, how to dress himself, how to manipulate utensils and observe the rudiments of ordinary behavior. Kaspar learns to play the piano, haltingly. At this juncture he is "sponsored" by an English nobleman, and so becomes an object of wonder and display in the manner of Truffaut's *Wild Child.* But something of Kaspar's own soul keeps shattering the molds into which the environment has encased him. There is a delightful scene in which a pedant attempts to teach him the rules of logic. This fails because Kaspar is endowed with native horse sense. Then, too, Kaspar emerges from a church in panic—the prayers of the parishioners sound to him like a horrible howling. The routine

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THE SUITOR

We lie back to back. Curtains
lift and fall,
like the chest of someone sleeping.
Wind moves the leaves of the box elder;
They show their light undersides,
turning all at once
like a school of fish.
Suddenly I understand that I am happy.
For months this feeling
has been coming closer,
making short visits, like a timid suitor.

Jane Kenyon

normalization of the person is inimical to man's nature.

The backgrounds and photography are gratifying; all the acting—Kaspar is played by someone identified only as Bruno S.—is admirably right. The direction is convincingly delicate. But being a "modern" (and German), Herzog is not satisfied with the anti-rationalism of his premise and finishes the film with Kaspar's dream of nomads lost in a desert and unable to find their way to their destination, which is itself unknown to them. Kaspar says that he can discern the beginnings of his thoughts and dreams but not their ends. Finally he is beaten into unconsciousness by the man who salvaged him from his initially mysterious and brutish state and then stabbed to death by him (or should I write Him!) because he has failed to comply with the order issued to him when he was set out into the world to *stand still.*

This compost of Schopenhauer and existentialism, which many think profound though it conforms to what I regard as the banal pessimism of our day, instead of enhancing the picture's "supersensory" significance damages the texture and the modest veil of melancholy as well as the wry humor of the film's winning early sequences.

Another West German film, *The Lost Honor of Katharina Blum,* based on a novella by Nobel Prize winner Heinrich Böll which might be depreciated as "journalistic," strikes home with an immediately stunning impact. Set in the "new" (post-Hitler) Germany, it tells of the violence done a young woman who tries to protect her lover from arrest. A decent and possibly pious middle-class person, she has met this man, presumably a "leftist" of some kind, who, we learn rather late in the picture, has stolen army funds which it is assumed will be put at the disposal of his political associates. The young woman apparently knows nothing of this: she knows only of her love for him and that the police are in pursuit of him.

More than an exposure of police callousness, the picture reveals the use by the police of the popular press which fosters hate-filled sensation in its readers. What impressed me most in this was not so much the film's detective fiction element as the insight it provides of the practical science, the highly skilled deployment of the most sophisticated modern instruments, to smash human beings for state purposes. It is the monstrous perfection of "intelligence" at the service of virtually every government today. The picture moves with the polished functionalism of what it describes. The performances are thoroughly attuned to the overall style, and though it may not be "art," it made a more enduring impression on me than most of the Festival's aesthetic experiments.

The least ambitious among the documentaries moved me the most. This was the short (one hour) *Companero,* which consists largely of an interview with the English widow of Victor Jara, a political folk singer in Chile who was murdered when the anti-Allende forces took over the country. The humble and direct manner in which she tells of the circumstances that led to the killing of her husband is truly poignant. Accompanying her narration are newsreel shots of the country preceding the election of the Socialist President, the great joy with which it was greeted by the people, the dark events that followed and the part played by Jara himself in arousing the hope and sustaining the enthusiasm of the masses. We first see the Jara couple with their two children in the happy days of their togetherness in struggle. Back in London, Mrs. Jara, with her son and daughter beside her, says that they will never forget what it means to experience the onslaught of fascism. *Companero,* simple as it is, speaks more eloquently than a hundred editorials.

On the same bill with *Companero* was *Autobiography of a Princess,* which is neither "story" nor documentary, though some newsreels from the 1930s are included. The princess of the title is a scion of Hindu aristocracy before the release from British dominance. Now in London, we see her in luxurious surroundings along with other relatives—all of them soft, ultra-refined, nearly supine in their empty-handed leisure. The princess has an English guest, Cyril Sahib (James Mason), who for many years lived as a tutor under the paternal maharajah. We read in this man's expression nostalgia for the past, regret and the gnaw of guilt. Cyril had always planned to leave India to lead a more active and useful life, but the lush sensuosity and ease of the place reduced him to a fragile relic.

James Ivory, who directed the film, has a special gift for making the India of yesteryear narcotically captivating and at the same time mournful through a sense of its own futility. We detect that his attachment to that disappearing world is dissolved in considerable skepticism. This combination of impulses makes Ivory an admirable medium to convey the permanent wonder of India and the fatal flaws embedded in it. Thus *Autobiography of a Princess* becomes a kind of poem (without phony poetics) and, at moments, a witty commentary by a man who does not despise what he cannot soberly approve.

The French entries at the Festival (apart from *Exhibition,* a pornographic documentary about pornography, Louis Malle's *Black Moon* which I did not see and Marguerite Duras' *India Song,* which I prefer to skip) were of two kinds: more or less social in one and emotional in the other.

French Provincial (*Souvenirs d'en France*) is a summary chronicle encompassing the past seventy years of French history, conveyed through the story of a French small-town family. It begins with the rise of a woman of the working class, a seamstress, played with acidulous power by Jeanne Moreau, who works her way into a hide-bound bourgeois family established by a Spanish immigrant who against great odds sets up a prosperous iron foundry. Through her pluck and energy, common sense and courage, she comes to rule the business. During the Nazi occupation she performs invaluable service on behalf of the Resistance. In the postwar era, the workers in the now modernized firm are offered the opportunity to participate in its management, and for some reason unclear to me, strike more often than they work. The result is that a former GI turned tycoon manages, through marriage to a woman who even when wed to one of the brothers of the family was always hostile to it, to take over the works. We are to understand by this that foreigners (especially Americans) are now screwing the blundering or indifferent French—which is "symbolized" in a particularly literal manner.

This picture probably has "propaganda" meaning or value for the French and also for those interested (as I am) in French society, but is marred by the peculiar insistence of the director, André Téchiné, on being cinematically cryptic or "advanced" in his narrative technique.

On a much more elevated and traditional level, Truffaut's *The Story of Adèle H.* tells of one of Victor Hugo's daughters who, after having a brief affair with an English lieutenant of dragoons on the island of Guernsey, was abandoned. This affair, casual enough on the part of the womanizing officer, stirred a lifelong and forever unrequited passion in Adèle. She pursued him first to Halifax, where the man's regiment was stationed, and then to Barbados, doing everything possible to win him back,

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dogging his every step and going so far as to prove the intensity of her love by sending him a loose woman to satisfy his libidinous appetites.

The poetic or psychological point of the story, on the whole based on fact, is that passionate love is capable of feeding on itself, a drive that can persist without reasonable cause or attainable object, though in this case the flame was aroused in the woman by her initial contact with the fellow. When last seen, she passes him by without even recognizing him.

The picture is handsomely filmed with suave reticence, elegance and beauty, especially in the person of the 20-year-old actress Isabelle Adjani. But though the subject surely offers opportunity for insights into the nature of affective emotion—here an unrestrained infatuation—I was not moved. We never learn anything about the daft woman except the folly of her feeling; we know nothing of her early disposition, the circumstances of her seduction. What we get are the final moments of a case history. We are required to supply the stuff of our own sentiments rather than to witness the specific dramatization of a situation—an obligation to which I could not lend myself.

It may be surprising if not shocking that, just as Robert Hatch responded so warmly to the fun of *Hearts of the West*, also a Festival offering which I missed there, I found myself particularly pleased by the commercial, Hollywood-made *Smile*. It "documents" the preparations for a contest in a small California town to choose a favorite "American Miss" prior to the national event.

The teenaged girls around whom the action revolves become almost incidental to the mechanism of their exhibition and exploitation. The management or executives of the contest's organization are central to the picture's scheme—they and the large anonymous audience who are the spectators of the main show.

It is all homey frolic, innocent, clean, cute and no more harmful than a double-scoop ice cream cone. But as we watch it in benign indulgence we soon are seized by an afterthought: what we are witnessing is a spectacle of insanity. Everything conspires to provide a devastating testimony to much that is obtuse, crass, empty-headed, brashly ignorant and downright dumb in the United States.

This view is projected with not too much emphasis through many minute touches supplied by Jerry Belson's talented screenplay and the equally astute direction of Michael Ritchie. As instances of this I note two of the least conspicuous but parallel details. "Big Bob" Freelander, in charge of the enterprise and sincerely enthusiastic about it as a marvelous public service, is rather exasperated by Wilson Shears, his assistant and best friend, because he is fed up with all the contest's shenanigans. Shears drinks, not simply for that reason but because he believes his wife (also engaged in the management) frigid, while she for her part accuses him of sexual inadequacy. Freelander (perfectly played by Bruce Dern) tries to give Shears some friendly advice and orders him to shape up. Shears, in his cups, answers: "You know what you are . . . you're an American Miss!" Following this, Freelander never looks quite the same: a shadow—not make-up—covers his face and though he continues with his work, its rhythm no longer has its previous beat. Similarly, after Shears has taken a pot shot at his wife, wounding her only slightly in the arm, she returns to the merriment of the occasion, but her face, too, has altered: the glaze of confident commercialism on her countenance has tarnished. None of them can altogether withstand the lash of doubt to which they have been subjected.

Through its apparent innocuousness and avoidance of big dramatic moments of cruelty and disgrace, I found *Smile* more honestly telling in its allusion to our common national experience than Robert Altman's overweighted *Nashville*. □

FILMS

ROBERT HATCH

Dusan Makavejev, the Yugoslav director, made *Love Affair Or a Case of a Missing Switchboard Operator*, a witty, somewhat puzzling, idiosyncratic film that I saw with much pleasure in 1967. He then made *WR: Mysteries of the Organism*, released here in 1971, which I did not see and thought later I should have done. Now *Sweet Movie* is playing and it is evident that Mr. Makavejev has been advancing steadily in the ways of puzzlement and idiosyncrasy. At the theatre one can pick up a manifesto in the form of a reel-by-reel synopsis. A typical statement: "In an open, nonauthoritarian structure of film, basic material is made up of nonverbal elements, ingredients and contents. The verbal elements, definitions, clichés, are that part of the material which helps the construction of the basic illusion, namely that the story is important. The nonverbal material which hovers and flutters around the main story titillatingly tells us that the story itself is not important but that there is actually 'something else.' " The director is a student of Wilhelm Reich: I am not and am therefore at something of a disadvantage when confronted with statements like that. I do see, though, that I am barred from noting that the story is prolific of clichés, which is an observation I should otherwise have made. As for what the "something else" may be I cannot say, but the nonverbal elements suggest, to me at least, that Makavejev associates food and sex with a morbid insistence that degrades both of these major drives, and that for him copulation is a form of violation that often culminates in homicide. (Such notions, whether expressed verbally or nonverbally, are also contemporary clichés.)

There are in fact two stories, developed in alternating segments. They are said to be set in 1984 (that cliché year of reckoning), but the first of them satirizes a kind of American money vulgarity that was most persistently on our minds two or three decades ago. The movie opens in a TV studio, where a Texas lady of great wealth, chairman of the Chastity Belt Foundation, is sponsoring a world contest of beautiful virgins, her ulterior motive being to discover a suitable mate for her son, Mr. Kapital. The young ladies are examined by a Dr. Mittlefinger (a verbal joke) and Miss Canada, the winner, is soon seen flying over Niagara Falls in a helicopter with Mr. Kapital, who boasts to her that he intends to buy the falls from the Canadian Government, shut off the water and install a replica more convenient for tourists and unaffected by weather. The young lady, virginal but expectant, is abashed by Kapital's

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extreme notions of personal hygiene and she lets out a considerable yelp on discovering that his penis is gold-plated. Miss Canada soon escapes this unpromising union and moves by free-associative steps to a moment of intercourse with a Mexican movie ballad singer on the Eiffel Tower, to a commune that disports itself in soft foods and where breast-feeding is a general indulgence and eventually to writhing lasciviously in a pool of chocolate syrup, where I believe she drowns. In short, a grand tour of the "far-out" cliché.

The second story is somewhat less coherent. It takes place on a barge named *Survival*, whose figurehead is a papier-mâché portrait of Karl Marx and whose captain (and sole crew member) is Anna Planeta—the last, I gather, of the Amazons of revolution. Moving slowly through Dutch canals, the vessel attracts a bicycling sailor from the *Potemkin* (he has kept his youth), who comes aboard and eventually expires in a king-sized bed of granulated sugar, a butcher knife in his belly. Anna has warned him that the barge is full of corpses, but he says "So what? The world is full of corpses," and we switch to some newsreel shots of Katyn Forest, where indeed there were corpses aplenty. I register that a political comment is being made, but am not instructed. Like the witch in the fairy tale, Anna also lures small boys aboard with enticements of candy, "interferes" with them, as the English say, and puts them away in plastic bags. Intermittently, she sings the film's theme song (in English):

It's a joy to be alive
It's good to be glad
It's good to have nothing
It's great to be mad

. . .

Oh, it's sweet to be hungry
It's fingerlickin' good.

Another verbal element, and one that considerably lowers my spirits.

I don't want to put Makavejev down—he's a talented man with a great deal on his mind. But I think he makes the mistake of supposing that if he gets the cameras rolling and his brain free-associating, his ideas will somehow shape themselves into a communicable statement. If he were a mural painter, it might work. We could gather in front of the great, kaleidoscopic canvas, work back and forth seeking relationships among the myriad vignettes, note how the composition shapes into a general position on the nature of man in society—or regret that it fails to do so. But a film moves in time; we are unable to worry over the threads that lead to meanings. What is the significance of the gigantic milk-bottle trademark in the bottom of which Miss Canada teaches a black Hercules rhythmic breathing, and what has it to do with her scene on a stretcher, humiliatingly joined to El Macho the singer, that takes place in the butcher department of an elegant French restaurant? I have no opinion about the originality or profundity of Makavejev's ideas, but I'm reasonably sure he has not discovered how to convey them.

I have not until now reviewed any hard-core pornography, in large part because the sight of a respectable looking gent of my years approaching the rather expensive box office of one of those "skin" houses struck me as unedifying. However, Jean-François Davy's *Exhibition* made it into the New York Film Festival, having previously caused what has been termed a *"scandale"* at Cannes, so I thought that this time I could play the voyeur with little loss of dignity. On that score I was right: the people in the theatre with me that afternoon were almost entirely senior citizens, mostly couples, taking advantage of the reduced price available to them in the slack part of the day. It was a ludicrously ma-and-pa audience and I allowed myself to wonder what the world is coming to.

Exhibition is typical of a good deal of current Continental cinema in that it is a film about the making of a film—in this case a documentary about the private life, professional career and ethical views of Claudine Beccarie, said to be the reigning queen of French pornography. The picture proceeds in alternating episodes, shifting from talks between Davy and Mlle. Beccarie to scenes in which she and other regulars in the pornography trade are directed, again by Davy, in what would be for them a routine project.

In person, and despite a history that includes four years in a reform school, considerable experience as a model for "art" magazines and employment for some months in a Spanish bordello, Mlle. Beccarie is rather aggressively petit bourgeois. She is a pretty woman of 30 with a charming smile, but also with a habit of pursing her lips in an acid smirk that I associate with shopkeepers made impatient by my halting French. She comes of a Catholic working-class family and has the predictable views on independence and financial security. Her clothes are modestly becoming, her apartment is vapidly "modern." She won't discuss her politics ("too personal"), she thinks herself a good Catholic, though, being divorced, she cannot take confession. She has decided to part from her boy friend on the generous ground that he is considerably younger than she and should be free to make his own way in the world (at the moment, he is completing his military service and working in porn films during off-duty hours). It may be that Davy has emphasized the banality of her views and personality for purposes of dramatic contrast, but as here shown, Mlle. Beccarie differs from thousands of other unremarkable young Frenchwomen only in her opinion that performing various acts of sexual congress for public entertainment is a job like any other. She would prefer to be a comedienne; she would also like to direct films, in order to promote the general practice of bisexuality. But business is business. (There is a scene with Mlle. Beccarie's mother in which the elder woman depreciates Davy's suggestion that she might find anything distasteful about her daughter's profession and cheerfully affirms to them both that her own sex life continues vigorously. This conversation is so wildly out of keeping with her person and her surroundings that she became instantly the one person in the film whose story I wanted to have told.)

As for the filming of the film, which is the alternate and "scandalous" part of the movie, it is entirely explicit and inexpressibly depressing. At least, I am depressed by watching eight or ten men and women, in pairs and larger groups, copulating and performing oral sex, hetero- and homosexually, according to the instructions of an off-camera voice that is concerned primarily with viewing angles. The action is real, but the reaction is entirely simulated; the performers are interchangeable, since they have no roles to play and gender itself is no consideration. Except for one man,

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who is of a dark complexion, it is quite impossible to tell them apart, because our attention is directed almost exclusively to their genitalia, perhaps the least distinguishing and certainly the least expressive parts of the anatomy.

As I'm sure I've written before, the true obscenity of pornography is that it treats people as objects to be looked at, not as subjects to be known. Perhaps that was what Davy had in mind when he made the film as he did and called it *Exhibition.* By producing, not a pornographic movie but a movie about how performers are diminished to bodies in order to create such movies, he makes the moral issue explicit. Nothing that these men and women do, according to contemporary mores, is bestial (and Mlle. Beccarie is self-righteously firm in rejecting anything she terms "sick"), but the doing of it, devoid of human relationships, is bestiality. And it is so, not because sex is involved but because any projection of what a person does, divorced from who he or she is, becomes mere animal motion. The people in Davy's picture say they find the work satisfactory—it is a horrifying confession of anaesthesia for profit. □

DANCE

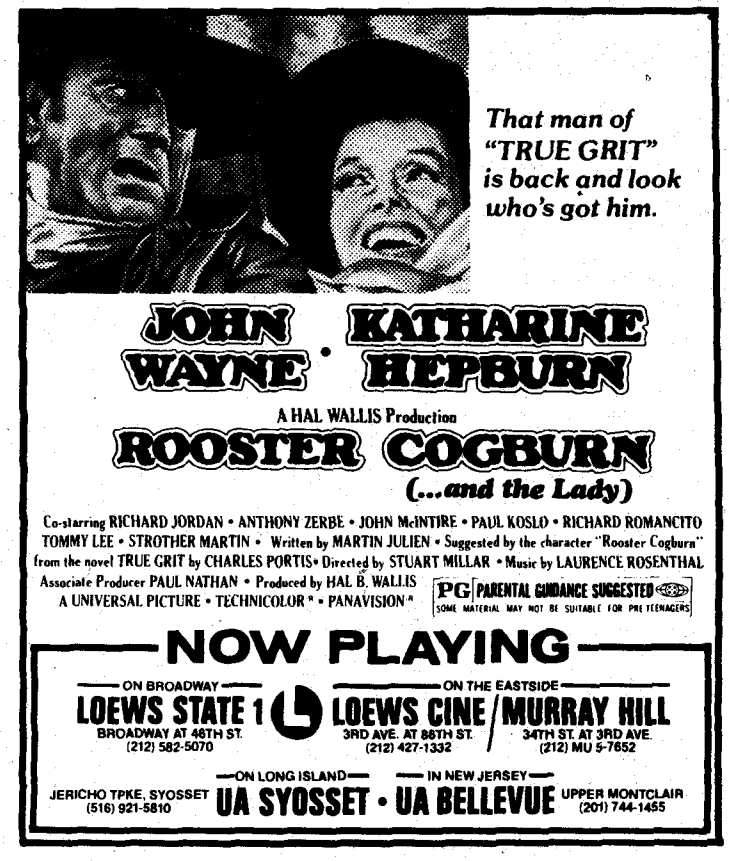
NANCY GOLDNER

To a greater extent than with most other choreographers' work, the success of Eliot Feld's ballets depends on how well the results conform with one's intimations of their intent. In itself, the dancing is always interesting and intelligent, but its fulfillment of an idea is occasionally half-headed. (Incidentally, this criticism puts Feld several leagues beyond most of his colleagues; too many ballets have no idea or form to live up to.) For Feld's new *Mazurka*, to Chopin, which the Eliot Feld Ballet is showing in repertory at the Newman Theatre through November 16, he attaches a program note that may be read as a statement of intent. It turns out to be in direct conflict with what one sees, but no matter in the case of *Mazurka.* It comes across loud and clear, often very beautifully and always with extraordinary ingenuity. The viewer must only decide to put more stock in bodies than in words.

Judging from a description of the mazurka that Feld excerpts from E.W. Shallenberg's biography of Chopin, the dance during Chopin's time was a platform for enacting "innumerable small dramas." These solos and duets of virtuoso self-expression were preceded and followed by a procession, which acted, I surmise, as a kind of proscenium arch. Feld also appends a motto of his own: "Some dance with the heart, others with the heels." Presumably, *Mazurka* is to make some distinction, possibly a value judgment, between the outer shell of the dance and its intonations. At the very least it will move from the formal processional to the intimate and subjective, and back again. *Mazurka*, however, is no more and no less than a presentation of the mazurka step and the variations on it. Whatever intonations one gleans are webbed in the step; heart and heels amount to the same thing. As such, the ballet's spirit is closer to the 18th century than to Chopin's century; at any rate, it is one of the most formally conceived works Feld has done.

Feld presents the theme in the first dance, in which one couple is gradually joined by the three other couples who comprise the cast. One notices the small but gutsy brush of the foot off the floor, which sends the body spurting upward and forward; the clicking of the heels, and most typical of the mazurka, the hip's deep thrust into the standing leg, which hunches the corresponding shoulder upward, as though defying anyone to occupy the plot of earth the dancer is standing on. Yes, the mazurka step has plenty of heart—that proud defiance and groundedness; the controlled exuberance of feet wedging into the floor, which can send the dancer skimming forward or springing up and down *à la* oom-pah-pah; and a contrasting piquancy of clicking heels. But clearly these small dramas are more closely linked with kinetic than emotional content. And clearly, the kinetic aspects of the mazurka are what interested Feld when he set out to investigate it. No human relationships emerge among the four couples. Trios and partner switching, devices through which many choreographers of ballroom ballets hope to introduce drama, Feld assiduously avoids. The dancers, in solo or coupled variations, perform for the audience only. Were it not for the mazurka step, *Mazurka* would indeed be heartless.

His second interest was in development, to see how far he could disguise the mazurka without losing contact with it. Herein lies Feld's achievement; the theme is disguised, but it's always recognizable. Sometimes it's a mere *cabriole* (ballet's counterpart of the heel click) bringing us back to home base, as in a pensive duet for Naomi Sorkin and Edmund LaFosse. At other times there is a direct reference to the first dance. Mostly, Feld selects a kinetic quality from the mazurka and broadens it into a *Gestalt* image. A dance for three men has a military crispness; the leg brushes seem like salutes and the strong knee bends are particularly virile. For Christine Sarry, of all dancers the quickest on the draw, Feld highlights the mazurka's feel of skimming. For Elizabeth Lee, Helen Douglas and their partners, he intensifies the dance's pitch and roll, its surprising backtracks and off-kilter rhythms. In these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THE LILIES

Hunting them, a man must sweat, bear
the whine of a mosquito in his ear,
grow thirsty, tired, despair perhaps
of ever finding them, walk a long way.
He must give himself over to chance,
for they live beyond prediction.
He must give himself over to patience,
for they live beyond will. He must be led
along the hill as by a prayer.
If he finds them anywhere, he will find
a few, paired on their stalks,
at ease in the air as souls in bliss.
I found them there at first without hunting,
by grace, as all beauties are first found.
I have hunted and not found them here.
Found, unfound, they breathe their light
into the mind, year after year.

Wendell Berry

variations the dancers face the world obliquely, so that each move and body angle is on a diagonal. That is why the one literally straightforward step in the ballet, occurring in a duet for Douglas and George Montalbano, is perhaps the most compelling. Montalbano jetties Douglas straight into the air several times, so that she confronts us smack-on and spread-eagle. *Mazurka*'s one flat image, it reinforces the headiness of everything else and becomes the signature moment by virtue of sheer contrast.

That moment is also a release from the choreographic complications Feld increasingly imposes on the dancers as the ballet draws to a close. While intricate footwork and amazing changes of direction in mid-spin keep *Mazurka* bubbling, it begins to boil over as Feld uses complication and speed as the only means to achieve a climax. The dance begins to blur and become tiring, not only for the audience but for the inexhaustible Sarry, and by the time Feld winds his dancers and us down in the final dance, it is too late for him to recapture a focus. Slower tempos would help the dancers cope with steps that are still new to them, but fewer steps would help the audience cope. At the other end of the scale, which is to say at the top of anyone's scale, is a solo for Helen Douglas in which complexities of musical accent and *non sequitur* directions never muddy the translucent texture of the dance. She swings her leg in a semicircle to the side, but suddenly breaks the momentum with a *plié*. That bend in the leg then establishes a new rhythm as her body tilts sideways at the waist and crumbles. Then that phrase is interrupted by a sudden thrust into arabesque, and then another sharp leg swing which turns her in the opposite direction. And so it zigzags to the end, all unexpectedness but totally logical. While this solo develops the rest of the ballet's convoluted shapes and restless, almost brittle rhythms, it is the only variation that is too rock-solidly there to whiz by. It is all heels, no heart. It might be the best dance Feld has yet made.

Were the eight dancers in *Mazurka* employed by another company, most of them would be hidden away in the chorus line; even as soloists in most other companies their mettle (to use Shallenberg's description of the terms of performance) would rarely be as tested as Feld tests it. Yet here they are, in material worthy of the greatest dancers. Great dancers do not rise to the occasion; they step right into it. Feld's dancers—Christine Sarry, Elizabeth Lee, Helen Douglas, Naomi Sorkin, Richard Fein, John Sowinski, George Montalbano and Edmund LaFosse—must rise, which does not make their performances either unsecure or ungratifying. But they do not prevent one from speculating on who else could do it, or from the rather patronizing thought that the Feld dancers are incredibly lucky to be so challenged. □

RECORDS

DAVID HAMILTON

GERHARD: *The Plague.* Alec McCowen, speaker. National Symphony Orchestra and Chorus; Antal Dorati, cond. London-Headline HEAD 8. $6.98.

Albert Camus' allegorical tale offers, one would imagine, ample resonance to support musical setting, but the late Roberto Gerhard's decision to entrust the primary thread of narration to a speaker proves fatally confining. The extensive spoken text never relates to the musical ingredients, which for all their coloristic ingenuity thus achieve at best the status of incidental music, at worst of mere sound effects. Resonances are stifled, matter of fact rules.

The text is abridged from Stuart Gilbert's English translation, which produces in this performance occasional jarring contradictions between McCowen's clipped syllables and the broad American of the chorus. Indubitable, however, is the expertise to which Dorati raised the Washington orchestra during his now abruptly curtailed tenure.

LUTOSLAWSKI: *Paroles Tissées.* BERKELEY: *Four Ronsard Sonnets.* BEDFORD: *The Tentacles of the Dark Nebula.* Peter Pears, tenor. London Sinfonietta, conducted by the composers. London-Headline HEAD 3. $6.98.

Sir Lennox Berkeley's essays in Stravinskian neoclassicism consort oddly with the vocabulary of "Polish" string effects on which the other two composers primarily rely. David Bedford, setting prose from an Arthur C. Clarke story, surrounds heightened declamation with a vaguely portentous ambience. Lutoslawski makes more direct structural play with his ensemble around the more melodic, "colorful" vocal line. Three ways of calling attention to a text, at least, although none of them succeeds greatly in enlarging upon it.

What the record most effectively celebrates is the role of Peter Pears in stimulating contemporary vocal writing, above and beyond the music of Benjamin Britten. An idiosyncratic rather than a classically perfect singer, Pears has accomplished with musicianship and imagination more than others with greater natural endowments; even at the age of 62 (when these recordings were made), he holds the attention, creating as he performs.

BEETHOVEN: *Missa Solemnis.* Soloists, Concert Choir of the Vienna State Opera. Vienna Philharmonic Orchestra; Karl Böhm, cond. Deutsche Grammophon 2707 080. $15.96 (two discs).

BEETHOVEN: Symphony No. 5. Vienna Philharmonic Orchestra; Carlos Kleiber, cond. Deutsche Grammophon 2530 516. $7.98.

One might have supposed that the mammoth Beethoven packages of 1970 would for a time have exhausted Deutsche Grammophon's interest in that composer, but the same well ploughed fields are evidently still being turned over by the banks of the Danube. Of this *Missa Solemnis* little need be said: journeyman work, coarsely sung by the chorus, the band dimly registered. As one measure drags itself into the next like a spavined dray horse, one can only wonder "Why?"

The Fifth Symphony is more interesting. For all that it adds little to the best previous statements of the work (including a notable one by this conductor's father Erich, who had the advantage of a more disciplined and cohesive brass section), it assures us that here is a genuine talent, able to generate a coherent and compelling performance. Historic recordings are all very well, but live performances require live conductors, and Mr. Kleiber is most assuredly alive, in the spiritual as well as the corporeal sense. His uncommon attention to the letter of the score, which once or twice emerges as fussiness, does not impede a clear focus on line and structure. In this case, the question is "When will we hear him in the theatre or the concert hall?" □

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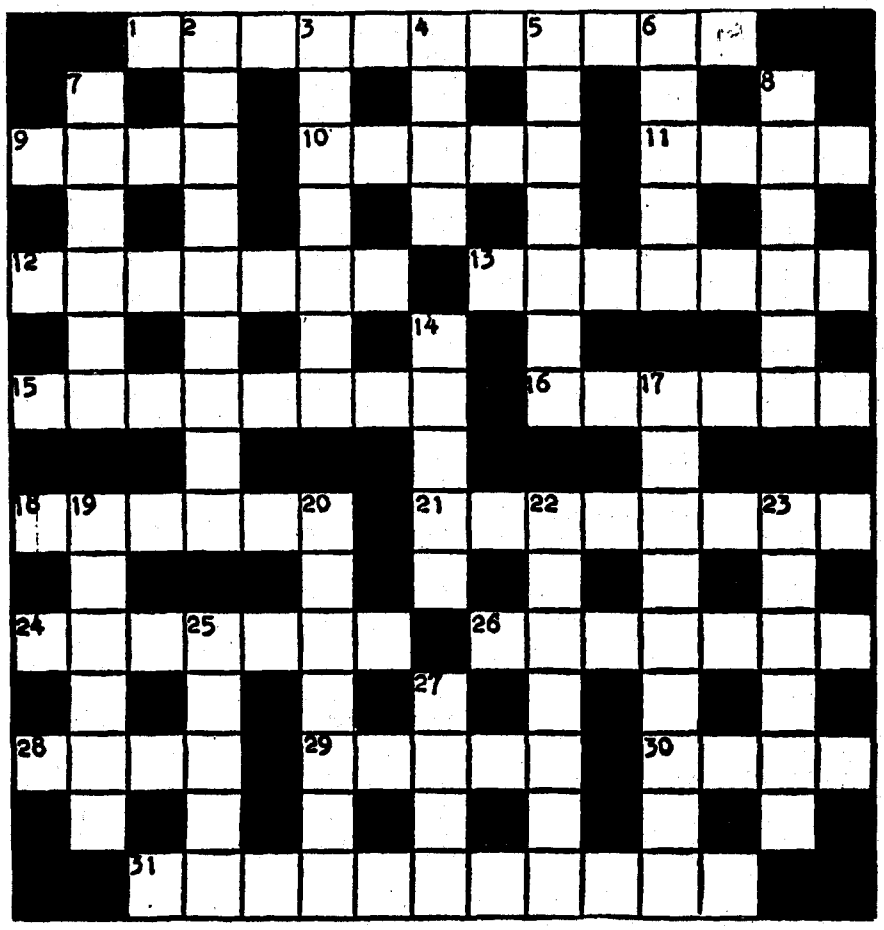
Crossword Puzzle No. 1605

FRANK W. LEWIS



ACROSS

1 The ordinary meaning of Paine's work? (6,5)
9 and 8 down Hose and hoes? (They might look good to Crispin.) (10)
10 and 28 What might be called out, with troubles on the campus. (4,5)
11 and 23 down Evidently the girls are close, but not exactly big hits. (4,6)
12 High—high, and definitely not relaxed. (2-5)
13 and 15 Certainly not a nightwatchman. (7,2,3,3)
16 Charpentier's girl, or Chevalier's. (6)
18 With Chicago thickly populated, there's still style there! (6)
21 M, in short. (8)
24 Impressed? Beat with the feet! (7)
26 It's only a theory, but I am most confused by it! (7)
28 See 10 across
29 See 7 down
30 The 9 type might go on a pump. (4)
31 See 3 down

DOWN

2 Tee on high ground? (You'll never make it whole.) (3-6)
3 and 31 across The one followed wasn't necessarily the contrary type, but what did she have to eat? (4,3,1,6,4)
4 Omit from 21, to form gas. (4)
5 It might make us feel a bit different, but comfortable. (7)
6 Where the law was received might be in dispute. (5)
7 and 29 across Alluded to when we tell politicians not to rock the boat? (4,2,5)
8 See 9 across
14 Such music certainly doesn't sound like hers! (5)
17 It might be the last thing one offers. (9)
19 What the computer might give. (6)
20 Used to carry the torch. (7)
22 Nothing at breakfast, for instance—except this! (7)
23 See 11 across
25 What you might deserve, in the first place. (5)
27 It might be the chain type, unless 24. (4)

SOLUTION TO PUZZLE NO. 1604

ACROSS: 1 Roughly speaking; 9 Principle; 10 Ratio; 11 Canals; 12 Migrants; 14 Crab lice; 16 Flips; 17 Satyr; 18 Enticing; 20 Dooryard; 21 Griped; 24 Iraqi; 25 Nutritive; 26 Green chartreuse. DOWN: 1 Repack; 2 Union; 3 Huckleberry Finn; 4 Yaps; 5 Presidents; 6 Aircraft carrier; 7 Intention; 8 Grosses; 13 Pipe wrench; 15 Rationale; 17 Sidling; 19 Adhere; 22 Poilu; 23 Star.

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